

THE  
CASE  
OF  
Tho. Dangerfield :

WITH  
Some Remarkable Passages that happened

At the TRYALS of  
*ELIZABETH CELLIER* the Popish Midwife,

AND  
The Earl of *CASTLEMAIN*,

At the Kings-Bench-Bar at *Westminster*,

BEFORE  
Sir WILL. SCROGGS K<sup>t</sup>, Lord Chief Justice, &c.  
In the Month of *June*, 1680.

TOGETHER WITH

1. Divers Informations never yet publiht.
2. *John Gadbury* his Testimony, with all its Evasions.
3. Some Points of Law insisted upon by the King & Prisoners Counsel ; and the Chief Justice his Opinion given therein.
4. The Manner and Occasion of *Dangerfield's* Commitment to Prison, and also of his being discharged again.

AND

5. Some Animadversions upon the L. C. J. words.

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*Written by the hand of an Indifferent Person.*

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*London* : Printed for the Author. 1680.

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# The CASE, &c.

**H**E that goes about to justify an ill Act of his own, shall not only loose his end, but heighten and add to the former disgraces of his Life. And therefore it would be but a vain Attempt for any person of ordinary prudence and common reason to endeavour such a thing. But when a man has done an Act applauded by the approbation of many sober persons, and suffers only the Reproaches of a few, and most of those his Enemies, it is but the dictate of self-preservation to remove the weight that oppresseth him. I have made my self the publick Discourse, and in some measure the publick expectation both of Town and Country, and began to do those things for which His Majesty was most graciously pleased to deem me worthy his (never-to-be-forgotten) Favour; for this reason I cannot think my self safe from the ill opinion even of the best of my Friends, should I by a neglectful and careless silence, submit my self to be overborn by those Violences and Disgraces that have been put upon me in the pursuit of my gratitude for the greatest obligation that could be received from a most benign and Royal Bounty. Therefore for the satisfaction of the World, and to vindicate my self, without any thoughts of prejudice or revenge, I hold it but an Act of common Justice to my Friends and my self, to make a faithful, and render a true Account, of the most remarkable passages in Fact, that concerned the Tryal of Mrs *Cellier*, against whom I thought I was to have been a Witness, and had refreshed and recollected my thoughts to that purpose. In the next place I shall add some few Observations upon the Objections made against me and my Testimony, and then leave it to all unbiassed persons to judge of my intended both Loyalty and Integrity therein.

The Charge itself I brought against Mrs *Cellier* was of a high nature, and form'd into an Indictment from the Relation which follows, given in by my self, that had been the Chief Actor in the whole concern by her means.

About the latter end of *March*, in the year 1678. Mrs *Cellier* came to me then a Prisoner in *Newgate*, (that being the first time I ever saw her) from which place in about a Months time she obtained my discharge. I was no sooner out from thence, but I was Arrested and carried to the *Counter*, whither Mrs *Cellier* sent her servant, who told me, that if I could forthwith obtain my Liberty, her Mistress would purchase it at any rate, for that there was business ordered me to undertake the Tuesday following; and if I could not get out before that day, she could not tell if ever I should be freed by her or not.

Thereupon I removed my self to the *Kings-Bench* by Mrs *Celliers* Assistance, who after I had been there about two days came to me, and giving me some Money for the present, told me, I should have a weekly Allowance for my immediate Expences, but that I should not long continue

there. At the same time she added further, that I might do as much service there, as if I were forth, by observing one *Stroud* a Prisoner there, who, as she said, knew much of the Life and Conversation of Mr. *Bedlow*; and withal, commended me to the Advice of two Priests, then Prisoners also there, which I was to take for the more secure management of that business. At the same time likewise Mrs *Celliers* ordered me to write to one *Blazedale* an Apothecary, for such Ingredients as I should have occasion, for to lay the said *Stroud* in a Trance, whereby I might the better accomplish the Design, which was, of getting some Papers in his Custody, which were reported to concern Mr. *Bedlow* in his Evidence. Some time after, as well by order from Mrs *Cellier* as others, I was directed to Compound and discharge my Debts; in pursuance whereof I was furnished with Money, which not being sufficient to procure my Liberty, I prevailed with a Waiter to go with me to Mrs *Celliers* House, and by her Instructions left at home, I went from thence to *Powis* House, where I found her, and where I received as much more as quite Discharged me; so that in four hours after she brought me into the presence of the Lady *Powis*; who together with her self, returned me thanks for my diligence in that business of Mr. *Stroud*.

Mrs *Cellier* was also present when the Lady *Powis* sent me to *Peterly* with a Pacquet, and was the person the Lady intrusted to make up the Pacquet. Mrs *Cellier* was also present when I returned from *Peterly*, and delivered the Pacquet which I brought from thence to the Lady *Powis*. &c she was likewise by, when the Lady read a Letter openly to this effect, (which I brought from the Priest Mr. *Jeane* in the above-mentioned Pacquet.)

*Good store of Pamphlets must be wrote and spread abroad, persons must be employed to go to Coffee-houses and rail against the Presbyterians, and if they meet with any who offer to contend, matters of Treason may be easily laid to their Charge, and so have them secured. But there must be many persons employed in these matters, and it will be best not to let them know one another, nor any one singly to know more than his part.*

Some short time after there was a settlement made for me among the Lords in the *Tower*, in consideration of my Expences; and amongst the rest 'twas ordered, Mrs *Cellier* should have Ten shillings a week for my Dyet, which was constantly paid her.

Mrs *Cellier* was the person also who disbursed Money to get *Lane* a Confederate against Doctor *Oates* out of Prison, the Charges of which amounted to about Twenty pound. He was also brought to *Powis*-house, and there altered his name, as well by the order of Mrs *Cellier* as others; and she was allowed Ten shillings a week for his Dyet also. Mrs *Cellier* was the person that first employed me to go to Coffee-houses, and told me it was by order of the Lords in the *Tower*, that I should disperse Pamphlets, and raise Discourses to this effect; *That Sir Edmondbury Godfrey was Murdered by the E. of S's order, who joyned with the Presbyterians to overthrow the Catholicks.*

Mrs *Cellier* employed persons to write Copies of the Letters and Lists of the Names that came from *Nevil* a Prisoner in the *Kings-Bench*, and sometimes she and I put our helping hands, and both wrote; which Letters were to the same effect with those that were taken in Colonel *Manfells* Chamber, and were all by some means or other to be Conveyed into the Houses of all the most considerable *Presbyterians*, for under that notion, all persons were Comprized which were not for promoting the



Catholick Interest: And this Mrs Cellier declared to me at Powis-house, which was our general Rendezvous for near two Months. Mrs Cellier was present at another time, when the Lady Powis read a Letter which came from *Brussels*, the effect whereof was thus.

*If you had taken this course sooner, much Blood might have been saved; but I doubt 'tis now too late, and fear that the St. Omers Testimonies having been so baffled, has much impaired our endeavours: yet to my power I will assist, and do advise you to go on.*

Thomas Holder.

About the latter end of July, Mrs Cellier remov'd from Powis-house to her own Habitation, whither I also went in a short time, some while after having been rebuked by the Lord Castlemain, for refusing the matter proposed to me in the Tower, no less than to Kill His most Sacred Majesty. I came home and told Mrs Cellier that the Lord C. was displeased with me. Oh, said she, 'tis his Lordships Custom to fall out one hour, and be friends the next, and then advised me to go to Confession, and receive the Sacrament of Father Sharp at Wild-house, which I did, and there received the same rebuke from the said Father, for refusing the said Proposal in the Tower. At another time Mrs Cellier was present in her own House, when the Lady Powis laugh'd at me, and said, Well, well, Mr. Willoughby (by which Name I then went) *will be honest, and do us no hurt, I am sure.* After that, having been with Mr. Gadbury, and from him received another rebuke for refusing that Proposal to Kill the King, I returned home and told Mrs Cellier of it, who replyed, *That Mr. Gadbury was in his heart a very good Catholique.* Not long after, I met the Lady P. at Mrs Celliers House, where in the hearing of Mrs Cellier, she told me, I must go on with some Intrigue against the Duke came from Flanders, to make him believe the Presbyterians were Plotting against the KING; and then there was a Consultation between us for carrying on the Design, though I was not to move till farther order. The next day Mrs Cellier was sent for to the Tower, who upon her return, told me, I must speedily procure some persons that were well habited, to go to the Coffee-houses and Clubs to learn how things stood. Mrs Cellier was also present, when the Lady P. told me, that I must stick hard against the D. of Monmouth, D. of Buckingham, the E. of Shaftesbury, Lord Grey, Lord Howard, and others; all which was to be done, when I went the first time to give His Majesty an Account of the new SHAM-PLOT, at which time I was to inform His Majesty, that if he had dyed at Windsor, they had posted about the Town and Suburbs a considerable Army, with which they intended to have taken possession, and did design to bring the same to a Common-wealth, and set up the D. of Monmouth as Head of the Government: That the L. Shaftesbury and others were granting out Commissions to that purpose, and that I my self had a promise of one from a great Presbyterian; all which and more I told His Majesty by their directions, just before his going to Newmarket; whereupon His Majesty ordered me Money, of which I sent an Account by Mrs Cellier to the Tower; who at her return, advised me to beware of one Colonel Halsel, for that the Lords fear'd he would discover me. Mrs Cellier carried word from me to the Tower, where Colonel Mansel Lodged, and upon her return told me, the Lady P. would meet me in the afternoon at her House, as she did, and Mrs Cellier was present when her Ladiship bid me go again to Father Sharp to Confession, and receive the Sacrament, for that I

was to go in a short time after to the Earl of *Shaftesbury*. Soon after Mrs *Cellier* received a Letter, that that very night I must go to the said Earl with this formal Complement.

*My Lord, I am a stranger to your Lordship, neither introduced nor sent by any person; but I desire to know, if it be in my power to serve you, whether I may have your Lordships favour.*

Then did Mrs *Cellier* deliver into my hand a short Dagger, of which sort and fashion three or four had been brought to her, about three days before; by a *Virginia Merchant*, I being present at the same time when they were delivered to her. After I had been with the Earl, upon my return home, I told Mrs *Cellier* I could not do my business, (which was indeed to stab his Lordship) but would take some other opportunity. Of all which Mrs *Cellier* sent an Account to the *Tower*, and as she told me, her self received for answer, That I should go forthwith to the King, and inform His Majesty that I had been with the E. of *Shaftesbury*, who had promised me a Military Employment. Then by direction I went a second time to the E. of *Shaftesbury*; Mrs *Cellier* furnished me then also with a Dagger. But returning again without any success, as they called it, I received new Orders to go to the King, and acquaint His Majesty how I had been a second time with the E. of *Shaftesbury*, and of a great quantity of Papers that concerned the New PLOT, that were in Colonel *Mansels* Chamber; for the search whereof my farther business was to pray a Warrant; which would not be granted, because I could not make such Affidavit as was requisite. For which I was well scold'd, both by the Lady *Powis* and Mrs *Cellier*, who after they had told me several ways how I might have saved my Oath, added withal, That I was obliged by my Religion to part with my Life for the good of the Cause.

Some small time after, the Lady P. came to Mrs *Celliers* House, where being all three together, the Lady endeavoured to persuade me to go a third time to the Earl of *Shaftesbury*, which I refused to do; whereupon the Lady striking me gently on the hand with her Fan, called me *Cow-hearted fellow*, and said, *she would go herself*; Mrs *Cellier* made answer, No, Madam, that shall not be, for I will signify to the world the bravery of our Sex above the Mens, and go my self and do the work. Whereupon she went out of the room for a while, leaving the Lady and my self together to discourse the method of putting the Papers into Colonel *Mansels* Room; which Papers when I had made them up, I shewed them to Mrs *Cellier*, who encouraged me to proceed, saying, she would warrant I should be well rewarded for my pains, and wish'd me good success. When I had convey'd the Papers into Colonel *Mansels* Room, Mrs *Cellier* came to me from the *Tower*, and told me, I must go to the *Custom-house*, and pretend to give intelligence of certain Prohibited Goods which were lodged in the Colonels Chamber, to the end the Officers upon search might find the Papers.

Soon after being to attend the King and Mr. Secretary *Coventry* about the Papers, and wanting some Instructions, I went home to advise with Mrs *Cellier*, at what time I was taken by Colonel *Warcup*, one of the Justices of the Peace for the County of *Middlesex*, and engaged by Bail to attend the King and Council the next day at Three of the clock.

Upon my being brought to a Hearing, I was Committed to *Newgate*, whither Mrs *Cellier* sent her Maid to me, and something to my support, advising me to stand fast, promising I should want for nothing, and should

be

be removed to the *Kings- Bench*. After which, the Maid came a second time that day with a Note, which ran thus.

*I am in Custody, and if examined how I came to know you, will declare, I employed you to get in desperate Debts; it cannot worst you.*

To colour which pretence, the Maid also brought me two Books of Mrs *Celliers* Husbands concerns, and added further, that her Mistress desired me to stand fast, *For her Life was in my hands*. To this Intrigue these Particulars may be added.

That I having told Mrs *Cellier* how I had been with the King alone at Mr *Chiffins* Lodgings: Oh, said she, *what an opportunity have you lost!* Soon after the Lady *Powis* coming in, Mrs *Cellier* told her the story; at which the Lady turning short about, with her face towards Mrs *Cellier*, said these very words, *How bravely might he have killed the King, had he been provided!* That Mrs *Cellier* ordered me in our publick discourse to call the King Lady *Mary*, and the Duke Lady *Ann*. That Mrs *Cellier* was one of those that ordered me to Treat with Mr. *Boyce*, to try if I could corrupt him to be an Evidence against *Prance* (a Witness for the King.) And that she was one of those that ordered me to go and Treat with *Nicholas Stubbs*, in reference to recanting the Charge he had laid against *Gifford* the Priest.

This is the sum of the Charge, without any flourishing or refining, all matter of Fact, which I intended to have made good against Mrs *Cellier*, in reference to His Majesties most gracious confidence which he had put in my future reality. A Charge not only in my belief, but in the more venerable and sound opinion of those that had the Conduct of the Information, and management of the Evidence, well guarded and supported by a sufficient strength of Corroborating Testimonies. But lest I may seem to abound too much in my own sence, here they are all in their order. Let the world view them, and then give an equal Sentence.

*John Gadbury, Witness.*

*L.C.J.* Mr. *Gadbury*, what do you know concerning this PLOT?

*Gad.* I know nothing of it neither one way nor other.

*L.C.J.* Do you know of any contrivance of Mrs *Celliers* to Kill the King?

*Gad.* No, rather the contrary.

*L.C.J.* Do you know of any attempt to change the Government?

*Gad.* I will tell your Lordship what I do know, if these Gentlemen will not be too nimble for me, (*viz.* the Kings Council.) I have suffered a great deal of prejudice of late in relation to a PLOT, but God is my witness, I know none, unless it were a PLOT to bring Sir *Robert Peyton* over to the Kings Interest. That PLOT I had some concern in, and had some knowledge of Mrs *Celliers* concern in it, and she was so far from doing any thing against the Kings Interest, that she was willing to bring over with him Three Gentlemen turned out of Commission when Sir *Robert* was; so that how she could be acting for the King and against the King at the same time, I do not understand.

*L.C.J.* Mr. *Gadbury*, you are a man of Letters, pray will you give your Testimony of the things you do know in relation to Mrs *Cellier*.

*Gad.* Mrs *Cellier* was not Committed upon my accusation, therefore I hoped she might have been Tryed without my Testimony. But when I was in danger of my Life, when I lay in the *Gate-house*, and Mrs *Cellier* was



was reported to be a third Witness against me, I raked up every trifle. But if I had thought it Treason, I would have discovered it before. And as to that particular business concerning Mr. *Smith* a School-master, that *Smith* sometime since did come to me, being my old acquaintance, to ask my advice in it, which was to go to the Lords in the *Tower*. I asked him what to do? faith he, I can say enough against Dr. *Oates* to serve them and take off his Evidence; and asked me if he should do it. By no means, Mr. *Smith*, said I. Mrs *Cellier* afterwards told me, this *Smith* and one *Phillips* were willing to tell some stories or other of Mr. *Oates* and Mr. *Bedlow* and I told her this very story; faith she, you being acquainted with him, it is possible you may do some good upon him; and faith she, I had as lieve as Ten Guineys that you would do it: she said she did not care if she had been at the charge of Ten Guineys, if he would be honest and discover the truth.

*L.C.J.* Did she say she heard Mr. *Dangerfield* talk of a Non-Conformist PLOT, that would take off the Popish PLOT?

*Gad.* She said she had heard *Dangerfield* say there was a Non-Conformist PLOT, and that he was to have a Commission among them; and I think she said she had heard him say, that he hoped under the colour of that, the Popish PLOT would go on.

*L.C.J.* Did she say it of her own accord, that she hoped that would carry on the Popish PLOT?

*Gad.* My Lord, I cannot remember particulars; I have no reason to spare her, but I am unwilling to speak any thing that is contrary to truth, though she has done me the greatest injury in the world.

*L.C.J.* How came you to talk of a Non-Conformist PLOT.

*God.* It was onely common discourse as it was at Coffee-houses.

*Record.* Had you heard it before that she spake of it, because you say it was common?

*Gad.* No, not till she spake of it.

*L.C.J.* Did Mrs *Cellier* tell you of any Popish Priests or Jesuits coming hither from beyond the Seas?

*Gad.* Upon the going over of one *Clay*, I think she did say she heard there were some more coming over.

*L.C.J.* What to do?

*Gad.* God knows that.

*L.C.J.* Did she speak of any Plot or Contrivance to kill the King?

*Gad.* No, she was always an enemy to PLOTS, or else I would not have kept her company.

*L.C.J.* Did she say there were, or that she heard there were several Priests and Jesuits coming over?

*Gad.* My Lord, I think she said she heard it. I said several times the Popish PLOTTERS would be destroyed; but she answered, she was afraid the Nation would be destroyed first.

*L.C.J.* Did she say the Nation would be destroyed first? I ask you once more; we must Try people according to Oaths; by the Oath you have taken, when you said the Popish PLOTTERS would be destroyed, what Answer did she make?

*Gad.* She said she was afraid the Nation would be so, because she saw abundance of the best of the Nation, went out into other Nations to weaken our Nation and spend their Money; and she feared the Nation would be destroyed before them, (*viz*) the PLOTTERS.

*L.C.J.* What Discourse had you with Mrs *Cellier* passing through *Westminster-Abbey*?

*Gad.*



*Gad.* My Lord, my Memory<sup>d</sup> has been exceedingly bruised; but I remember, my Lord, as I was going through the *Abbey* in a rainy afternoon, she said, This Abbey was formerly filled with Benedictine Monks, or something to that purpose; and, saith she, What if it should be so again?

*L.C.J.* Are you a Protestant or a Papist?

*Gad.* A Protestant, my Lord.

*L.C.J.* He talks as like a Papist as can be: was it, What if it should be filled again?

*Gad.* What if it should be again?

*L.C.J.* What did you say to that?

*Gad.* I only smiled to hear a Womans discourse, my Lord.

*L.C.J.* You make all the Company laugh. What did she say of the *Temple*?

*Gad.* That the *Temple* had been filled with Friars too.

*L.C.J.* And what then did she talk of filling it again? What did she say concerning the *Temple*?

*Gad.* Nothing, my Lord. Here Mr. *Gadbury* was going to read in his paper, which was his Original Information given before the King and Council; but the Court told him, that would not be allowed, but he might refresh his memory with it.

*L.C.J.* Now tell me what she said; Mr *Gadbury*, keep it in your hand.

*Gad.* My Lord, she put it by way of Interrogation to feel my pulse.

*L.C.J.* What did she say else?

*Gad.* There was nothing but transient discourse, my Lord.

*L.C.J.* We must ask you what the truth is; look upon your paper, and consider what you say, and consider that you are upon a solemn occasion, and are to testify it in the presence of God Almighty: I would have you tell plainly what it is, and neither to make it more, nor stifle it.

*Gad.* It was only transient discourse.

*L.C.J.* Say what it was: was it This place was once filled with Benedictine Monks?

*Gad.* She said, that the Abbey had been filled with Benedictine Monks, as the *Temple* had with Friars.

*J. Jones.* Look upon your paper. You have looked upon the paper, and pray tell us what she said; did she say she hoped to see this place filled with Benedictines?

*Gad.* My Lord, I don't remember that word *hope*.

*J. Jones.* How long have you been acquainted with Mrs *Cellier*?

*Gad.* Ten or a dozen years.

*L.C.J.* Did she never ask you any question about the life of the King?

*Gad.* My Lord, when the King was very ill at *Windsor*, and she being fearful he would die, she did move the question to me.

*L.C.J.* What Question?

*Gad.* To know whether I thought His Majesty would live or no; but it was her fear that he would not.

*L.C.J.* Had you seen the King?

*Gad.* No, my Lord.

*L.C.J.* Did she desire you to consult your Art? how then did she expect you should give her an Answer from your Art?

*Gad.* From my Art, my Lord.

*L.C.J.* Did she desire you to consult your Art how long the King would live?

*Gad.* She did as I said.

*L.C.J.* What did you say to that ?

*Gad.* I would not tell her.

*L.C.J.* What Answer did you make ?

*Gad.* I told her I would not meddle with it.

*L.C.J.* She would have had you consult your Art or Scheme, or what ever it is, to know whether the King would live or die ?

*Gad.* It was something of that.

*L.C.J.* And you said you would not meddle or make with it.

*Gad.* Yes, my Lord.

*L.C.J.* She desired you to make a Scheme ?

*Gad.* No, my Lord, I cannot say she mentioned a Scheme ; but she asked the question.

*J. Ray.* What else did she ask ?

*Gad.* Only that question.

*L.C.J.* How often do you think she spake of it to you ?

*Gad.* Never, my Lord, but when he was ill. I will not baffle any thing that may conduce to the safety of the King and Kingdom.

*L.C.J.* Indeed it is very unconducibile to the safety of the King and Kingdom, if any go about to destroy him, and with evil intentions to ask how long he will live ; and you ought in duty to God and your Sovereign to declare : Did she ever make any enquiries about the Kings death, more than what you have said ?

*Gad.* No more, my Lord, but that she was fearful he would die.

*L.C.J.* Did she say she would go to somebody else ?

*Gad.* My Lord, when she perceived me shie, saith she, I see you are afraid of me, I will go to some other Astrologer.

*L.C.J.* For what ?

*Gad.* To satisfy her curiosity, as a great many do.

*L.C.J.* What curiosity did she ask besides this ?

*Gad.* She would ask me sometimes about the conditions of our bodies, whether they should be prosperous in the world ; and several other questions.

*L.C.J.* Were you nice in these Curiosities ?

*Gad.* Truly, my Lord, I was shie of meddling with any thing when I heard there was a talk about PLOTS.

*L.C.J.* Was you nice to give her any satisfaction according to her hopes concerning those things you call Curiosities, questioning whether she should be well fed, how many Children she should have, &c. were you scrupulous in that ?

*Gad.* I think I might not be in that particular.

*L.C.J.* How came it then that she should go to another Astrologer ?

*Gad.* She asked me something about Mr. *Dangerfield*.

*L.C.J.* For what ?

*Gad.* How to get him out of Prison.

*L.C.J.* Pray you, how came she to say she would go to another Astrologer ? you were not shie of answering these questions ?

*Gad.* It was something about Mr. *Dangerfield*. And, my Lord, she asked me about some Deeds or Papers which he was to search for or seize, which concerned Mr. *Bedlow*.

*L.C.J.* She had better have gone to one of the Clerks than a Conjurer for them ; but why should she go to another Astrologer ?

*Gad.* Because I was shie.

*L.C.J.* Did she not say when you refused to meddle with the death of the King, that she would go to another Astrologer ?

*Gad.*

*Gad.* Yes, my Lord, she did.

*L.C.J.* Did you do nothing for her at that time?

*Gad.* My Lord, I did a Scheme then, which since I found to be for Mr. *Dangerfield*; but I knew not for what it was when I did it.

*L.C.J.* Can you apply one Scheme to any body?

*Gad.* My Lord, when Mrs *Cellier* came to me, she gave me the time of a persons Nativity, and I set the Figure of Heaven to that time, to know whether he were a person fit to be trusted, her Husband being a French Merchant, to get in Money.

*L.C.J.* Then for ought you knew, *Dangerfield* was a Woman, and the question was, whether *Dangerfield* was with Child, and it happens to be a Man; how did it fall out?

*Gad.* I have forgotten, my Lord.

*L.C.J.* When did you know it was for *Dangerfield*?

*Gad.* My Lord, never before I came before the King and Council; neither did I ever know his Name before, for he went by the Name of *Willoughby* before.

*L.C.J.* What other discourse had you with her? did she not at any time talk of Mr. *Dugdale*?

*Gad.* She did say she had heard of some people that were to discourse with Mr. *Dugdale*, she had heard the thing, but I do not know whether she knew any thing of it or no.

*L.C.J.* What discourse had you about that?

*Gad.* She told me there was a woman to go down to *Windsor*, to beg Mr. *Dugdales* Pardon, for he was penitent for what he had said in some Tryal or other.

Whitehal, Friday Novemb. 7, 1679. at the Councel-Chamber.

**M**argaret *Jenkinson*, formerly Servant to Mrs *Cellier*, swears, that she carried Money from her Mistress to Mr. *Dangerfield* in *Newgate*, but does not remember how much it was. That he was afterwards in the Counter; whither Mrs. *Cellier* sent this Examinant with more Money; but that not being sufficient, she brought it back again, and afterwards carried what was necessary, with an order from her Mistress to tell him, that business was ordered for him to do the Tuesday following, and that she would purchase his Liberty at any rate. But if it could not be done, she could not tell if he should ever be freed by her or not. That she did carry divers Letters between *Dangerfield* and her Mistress, but knew not what they concerned. That she did carry two small Vials to him at the *Kings-Bench*, by her Mistresses order; that some time after she went again, and *Dangerfield* desired her to bring a second Vial, which she also carried. That *Dangerfield* told her, he had made *stroud* drunk, having taken something that hindred himself from being in that condition, and that he gave her some Notes to carry her Mistress of what he had then got from *stroud*.

*Margaret Jenkinson.*

The Information of John Woodman of Drury-lane Taylor, taken upon Oath the 17th day of November, before Edmund Warcup Esquire.

**T**His Informant saith, that he hath known Mr. *Thomas Dangerfield* ever since March last past, and then went with Mrs *Cellier* to see him in *Newgate*, where Mrs *Cellier* whispered with Mr *Dangerfield* through a Grate,



Grate; and thereupon Mrs *Cellier* sent this Informant with a Quire of Paper afterwards to Mr. *Dangerfield*; and a written paper which he was ordered to write out: and about three hours after, this Informant went to Mr. *Dangerfield* for the written paper by Mrs *Celliers* order, which he carried to her at her House in *Arundel-street*; but what the papers contained he knoweth not. And Mrs *Cellier* confessed, she both delivered and sent Money to Mr. *Dangerfield*. She sent this Informant to Mr. *Williamson*, with a Discharge for Mr. *Dangerfield*, for which he said he must have Four pounds, and this Informant supposeth that Mrs *Cellier* paid him that Money. And this Informant saw Mr. *Dangerfield* twice at *Powis-house* about Midsummer past, Mrs *Cellier* being with him. Some papers lying upon the Table there, and this Informant having been in prison before that time, did receive some Charity from my Lady *Powis* by Mrs *Celliers* hands; and on occasion of returning her Ladiship thanks for her Charity, he saw the Lady *Powis* and Mr. *Dangerfield* at *Powis-house*. And this Informant saith, that he was acquainted with Father *Harcourt* for about Twenty years last past, and wrought for him in his Trade, and hath been sometime sent by Mr. *Fenwick*, Mr. *Ireland*, and others, with Letters to divers places. And he hath heard there was one Father *Sharp* at *Wild-house*, but never was certainly informed of, or knew any such person as Father *Knollys*. And this Informant saith, he was once or twice with Mrs *Cellier* at the *Fleet*, when she went to visit Mr. *Nevil alias Payne*, but heard not their discourse. And this Informant went two or three times with Mrs *Cellier* to the Lord *Castlemains* House at *Charing-cross*, where this Informant waited at the door; and when she came down went away with her, but was not privy to her business. That this Informant went with Mrs *Cellier* to Mr. *Dangerfield* in the *Kings-Bench*, where she discoursed with him privately about half an hour. And at another time this Informant went with Mrs *Cellier* to the *Marshalsea* to one Mr. *Netterville*, and farther saith not.

John Woodman.

*The Information of William Woodman, Son of the said John Woodman, taken upon Oath the same day.*

THIS Informant saith, that he lived about six weeks with Madam *Cellier*, and left her about Midsummer last past; and when this Informant liv'd there, he knew Mr. *Willoughby alias Dangerfield*, who lay in *Powis-house*, and was sent by him to the Lord *Castlemains* with a Letter, who upon receipt of it, delivered forty shillings to this Informant, which he delivered to Madam *Cellier*. And one time Mrs *Sheldon* sent Joe her Servant to Madam *Cellier* for a Letter, which not being ready, this Informant was afterwards sent with a Letter to Mrs *Sheldons*, which Letter was to be sent to *Windfor*. Another time this Informant was Commanded by Madam *Cellier* to go to *Tyburn*, when Mr. *Langhorn* was Executed, and was directed to stay there, and get any flesh or any other thing belonging to him. And at this Informants return home, he found a bloody Handkerchief, brought home, as was said, by Mr. *Willoughby* from the same place; and there was that day at Dinner, Mr. *Cellier*, Mrs *Cellier*, Mr. *Nevil*, Mr. *Webb*, Mr. *Dormer*, Mr. *Ricaut*, a *Virginia* Merchant, Mr. *Wood*, and Mr. *Willoughby*, at *Powis-house*. And this Informant was sent by Madam *Cellier* to Mr. *Monson* in the *Kings-Bench*, with Letters, and ten shillings at a time in Money. And he carried five shillings



lings for her to Mr. Kemiss; seven shillings and six pence at a time twice to Mr. Netterfield in the *Marshalsea*, who said, he was used to have ten shillings a week. Another time this Informant carried a Letter to Sir John Gage in the *Kings-Bench* from Madam Cellier, who returned the same Letter or Pacquet, Sealed up with his Answer, as this Informant supposeth. And this Informant well remembers, that one time he went with Mr. Dangerfield to a Coffee house in *White-Friers*, and went up three pair of stairs, and there saw a Gentleman, being a little Blinking-man, whose Hat hung over his Eyes, whom Mr. Dangerfield saith now, was one Mr. Knowles a Priest, who came with Mr. Dangerfield to *Powis-house* in a Coach, and brought a little Trunk and other goods in a bag with him, and Lodged two or three nights there. But being a timorous man, he would not stay, but returned again to the same house in *White-Friers*, and carried his Trunk and other Goods with him: and this Informant believes the said Gentleman was a Priest, for that he went to take the Confession of one Newton a Painter, who dyed afterwards near the *Fleet* upon the *Fleet-ditch-side*, and the Neighbours did suspect that there was a Priest or Jesuit came then to that House, and resolved to lay wait for him if he came again. And this Informant saw Mr. Dormer twice at *Powis-house*; and he saw Mr. Webb three or four times at *Powis-house*, where he Dined with Madam Cellier and Mr. Willoughby most of the times. And this Informant heard that Mr. Willoughby had been at Peterly at Mr. Webbs House, and the Horse he went on stood in *Drury-lane*, being lame. And Mrs Jolly went once with Mrs Cellier to Mr. Nevill in the *Kings-Bench*, at Mr. Weavers-house, where Mrs Cellier dined, this Informant attending them, Mrs Jolly in the mean time going about to distribute Money to the Prisoners.

William Woodman.

*Jurat. Anno & die supradict.* Edm. Warcup.

*The Information of William Scarlet, taken before the Right Honourable Sir Robert Cleyton Kt. Lord Major, &c. Jan. 26. 1679.*

THIS Informant saith, that in or about the Month of *April* last past, this Informant heard one Margaret, then pretended Servant to Mrs Cellier, say to Mr. Willoughby, then Prisoner in the Counter, that her Mistress had business of great consequence for him to do, if he could get his liberty by Tuesday; if not, she could not tell whether he should be fetcht out by her or not. At which time this Informant saith, there was a report about trying the Lords in the *Tower*. And this Informant further deposes, that in order to that, he this Informant was employed by the aforesaid Mrs Cellier, to bring an *Habeas Corpus*; together with which, this Informant had the sum of fifty shillings, or thereabouts, delivered to him by the hands of Mrs Cellier, for the Charges of the *Habeas Corpus*. And farther saith, that upon the day that the *Habeas Corpus* was allowed, he received the sum of thirty shillings more from Mrs Cellier, at which time the said Mrs Cellier did utter words to this or the like effect: *That if Mr. Willoughby would stick to his business, she would make him a man for ever.* And this Informant further saith, that sometime after, Mr. Willoughby requested this Informant to deliver a Letter directed to one Mrs Eliz. Sheldon, near St. James's, to this effect: *Madam, I desire you to send by this Bearer, who is my trusty friend, the Twenty Guineys, being the Queens Charity for a week.* And this Informant farther saith,

D

that

that Mrs *Cellier* told him when any business happened for the Bailing of Prisoners, she would imploy this Informant, if he would accept of it.

*William Scarlet.*

*The Examination of Mary Aires before the Lords of the Council,*  
November 2. 1679.

**T**hat she went with *Willoughby* and *Duddel* to *Nevil* in the *Kings-Bench*, and left *Willoughby* by, at a Coffee-house by the way, and carried a sheet of Notes taken at *Langhorns Tryal*, which *Willoughby* writ. That she carried a Letter from *Nevil* to Mrs *Cellier*, and a Letter from Mrs *Cellier* to the Lady *Powis*. She also saw *Lane* at *Powis house*, who went by the Name of *Johnson*; and that Mrs *Cellier* ordered him to be called by that Name.

*Mary Ayres.*

*The Information of Bennet Duddel Joyner, taken before His Majesty in Council, November 2. 1679.*

**T**hat he had wrought at *Powis-house*, and there seen Mr. *Willoughby*. That he went with Mrs *Ayres* to see a Prisoner in the *Kings Bench*, but knew not his Name was *Nevil*: that Mr. *Willoughby* staid at a Coffee-House thereby; that when they returned, they brought home Papers along with them from *Nevil*. That soon after Mrs *Ayres* went to the Tower. That he hath seen Mr. *Willoughby* and others often writing at *Powis-house*. That one Mr. *Lane* lay there in the House. That Mrs *Cellier* was once in great fear, when she thought she had lost *Lane*. That Mr *Willoughby* did once ask him if he could make a hand-press, in order to Printing; to which he made answer, that he would ask the Lord P. and his Lady if he might make such a thing.

*Bennet Duddel.*

*The Examination of Anne Blake, Servant to Mrs Cellier, before Sir William Waller, October 29. 1679.*

**T**hat Mrs *Cellier* delivered into her custody two parcels of Papers, desiring her to lay them up safe for her, so as they might not be discovered. That she hid one parcel behind the Pewter, in the Kitchen, and the other parcel, among which was a little Paper-book, tyed with red Ribbons for better security, she hid in a Tub of Meal; both which were seized by Sir *William Waller*.

*The Mark of Anne Blake.*

*Saturday November 1, 1679. At the Council-Chamber.*

**S**usan Edwards, Servant to Mrs *Cellier*, made Oath, that she carried two Papers from her Mistress to Mr. *Dangersfield* in *Newgate*, with money and two Books of Account, that he might be perfect in them. And that she carried a Message at another time from her Mistress, that her Life was in his hands; and that if he did not stand fast, she was an undone woman.

*Susan Edwards.*

*Thomas*

Thomas Williamson Sworn before the Right Honourable Sir Robert Clayton Lord Mayor, Jan. 26. 1679.

**D**Eclared upon Oath, that upon the Tenth of February, Mrs Cellier came to his House to imploy him to Bail Papists out of prison; for which she promised him fifteen shillings for each person, and an allowance for extraordinary Expences, and for his incouragement gave him ten shillings in earnest. That after he had Bailed out several, Mrs Cellier sent for him to her House in Arundel street, and after several discourses, told him, that if he this Informant could help her to two men of undaunted Spirits, that would Swear to some directions that she had drawn up, to take off Frances Evidence, hoping thereby to save the Convicting of Berry, Hill and Green, Mrs Cellier promised the said persons should have forty pounds, or thereabout, for their reward; and withal, he was desired to tell the said persons, that they should not need to fear a Prison, for that by her Interest she would so order it, that they should be only Prisoners in the Fleet, where they should have forty shilling a week duly paid: but this Informant did not perform his promise to Mrs Cellier in that respect, though she gave him five shillings in earnest to undertake the business. That soon after Mrs Cellier employed him to get one Mr. Willoughby out of prison, saying, the said Willoughby must be gotten out who ever remained, and for which the said Mrs Cellier paid him the sum of four pound, or thereabouts. That upon this Informants telling Mrs Cellier that Mr. Willoughby was a brisk man; she replied, that if he were not brisk, he would not be fit for our business. That upon discourse with the said Mrs Cellier, about the death of Sir Edmondbury Godfrey, she said, it is laid on us now, but it will appear it was done by the Presbyterians.

Tho. Williamson.

*The Examination of Richard Adams of Lincolnes-Inn Esq; upon Oath, taken the 28th day of November, before His Majesty and Lords of the Council-Board, at Whitehal.*

**T**HIS Examinant saith, that about two or three years since, he became acquainted with Mrs Cellier, a French Merchants Wife, upon the account of being a Lawyer, and a Commissioner upon the Statutes of Bankrupt; and about the 24th of September last past, he was prevailed with to give Mrs Cellier a meeting at the Devil Tavern near Temple bar, to consult with other persons about the management of a discovery of a long concealed Estate of one Mr. Dowdeswel a Bankrupt, and a Debtor unto Mrs Celliers Husband five hundred pound, as she said; and at her first entrance into the room, she was accompanied with one Mr. Dangerfield, alias Willoughby, who suddenly began the Duke of Yorks Health in a glass of Wine; and observing that this Examinant had omitted naming the Health, Mrs Cellier urged this Examinant to gratifie the Gentleman her good friend therein; being complied with by this Examinant, then (Dangerfield) attempted to engage the Examinant in a discourse, reviling persons of the Presbyterian perswasion: his design not taking effect, Mrs Cellier passionately expressed great affections unto this Examinant, declaring, that she was lately arrived in England, and desired to know of this Examinant what was become of the old Popish PLOT; condoling the condition of our Kings loss of Reputation beyond Seas, for shedding



shedding so much innocent Blood, as perswaded thereunto by that wicked Villain *Shafesbury*; bidding this Examinant have patience but one Month longer, and he should see the PLOT blown up with a witness; and that his Royal Highness was restless until the Plotters were discovered; saying thus, Their Names are well known unto us already, they are many in number, and great ones: and bidding this Examinant not to stand in his own light, said she was in a capacity of raising his Fortunes; saying, she spoke affectionately unto him, and telling him, he was more capable of serving the Kings and Duke of *Yorks* Interest than other persons were, being a cast-off at Court. To which sayings this Examinant replied, that he never had any Concerns at Court, unless she meant his being turned out of the Commission of the Peace, in good Company, not with Fools or Knaves. And further saith, that Mrs *Cellier* was full of discourse, in extolling the great Charity of Lord *Powis's* Lady towards the distressed Catholicks in prison, blaming this Examinant for not improving his Interest with his Lady, who had expressed great kindness for this Examinant. Adding further, that this Examinants Prophetick sayings unto the Lord *Powis*, at his casual meeting of his Lordship in *Lumbard-street*, gave him great disturbance relating unto the death of Sir *Edmondbury Godfrey*. And at this Examinants and Mrs *Celliers* departure out of the *Devil Tavern*, earnestly desired this Examinant, to see her at her House; boasting, that the Lady *Powis* oiten did her the honour of calling upon her at her House.

*Rich. Adams.*

November 4. 1679.

THE Right Honourable the Earl of *Peterborough* did declare at the Council-Board, That Mrs *Cellier* informed his Lordship how she had found out a man that was able to discover very dangerous practices against the King. That she gave a great Character of one *Willoughby*, who had much improved himself abroad in the Services of the Prince of *Orange*, Duke of *Villa Hermosa*, and other great Princes; and that this man by his often frequenting divers Coffee-houses, had discovered divers great and dangerous things that were preparing against the Parliament. That she did desire his Lordship to procure a Warrant for making search for some Papers. And added, if such could be obtained, all the whole matter would be discovered; but she desired the Warrant might be obtained without the Kings knowledge.

*The Information of William Kilbury, &c.*

THIS Informant saith, that Mr. *Dangerfield* came to Lodge at his House on *Whitsunday* last past, and that a Gentlewoman came in one Mr. *Prince's* Name to take the Lodgings for him, and that he lodged there about three weeks, and the Gentlewoman who took the Lodging said, she would assure this Informant the Gentleman was no Priest, but said he might be a Papist, but a very modest Gentleman; and about a fortnight after Mr. *Dangerfield* came thither, he went into the Countrey one day, and returned the next; and this Informant believes, he said he went to *Peterley* in *Buckinghamshire*. And whilst he Lodged there, some persons came to him, which Mr. *Dangerfield* said were the Lady *Powis* her Servants. And whilst he Lodged in this Informants House, he was desired by Mr. *Dangerfield* to find out some fit persons to get him some of the flesh  
of



of Mr. *Langhorn*, or the five Jesuits Executed about that time ; and two Gentlemen with Mr. *Dangerfield* did go, as they said, to the place of Execution for that purpose. And when this Informant told Mr. *Dangerfield*, that by reason of the strict orders, he could not entertain him longer in his House, he being a Papist, Mr. *Dangerfield* went away forthwith, and said he was to lodge at *Powis-house*, whither if this Informant came he would make him welcome, and farther saith not.

*William Kilbury.*

*The Information of Lucy Prince, &c.*

**T**His Informant saith, that she hath been acquainted with Mrs *Cellier* about eight Months since ; and one time she brought Mr. *Dangerfield* along with her to this Informants House ; but this Informant heard none of their discourse. And she saith, that she went to *Powis-house* to Mrs *Cellier* while she lodged there, where she saw Mr. *Dangerfield* four or five times writing. And this Informant saith, she doth know one Mr. *Sharp*, and hath heard and seen him say Mass, at the Chappel in *Wild-house*, within this half year last past ; and he is a little man black haired. And the Informant hath heard Mrs *Cellier* say, she gave him Money to say Mass, or pray for the Soul of a person deceased. And she saith, that she saw Mr. *Dangerfield* and Mrs *Cellier* one time more writing in the Gallery in *Powis-house*, and others by them. And she hath heard Mr. *Dangerfield* often lament the death of the five Jesuits, and Mr. *Langhorn* ; saying, they dyed wrongfully. And she hath heard Mrs *Cellier* say, they were innocent of the PLOT, and further saith not.

*Lucy Prince.*

*The Testimony of Anne Nethercoat, Servant to Captain Richardson.*

**M**istress *Cellier* being lodged with me at a certain time whilst under her close Confinement, desired me to buy her a quantity of brown Thread, which I did ; then she having about her a Pen and Ink, wrote divers Notes, and prevailed with me to carry them as she should direct ; but for my better security, in case any thing should miscarry, and I put upon my Oath to swear if I had at any time carried any Letters, she had so wound the Threads over the Notes, that they appeared only like bottoms, and the Answers were to be sent in the same manner ; but before I engaged my self in this affair with her, I acquainted my Master with the design, who advised me to proceed, which I did, and as often as she delivered those bottoms to me, I gave them to my Master, who forthwith carried them to the Council at *Whitehal* ; the Contents of them I know not more, than that she did in one of them request her Daughter to send *Margaret Jenkinson* into the Countrey, and take care she wanted for nothing, (and here Note that *Margaret* was a Witness against her.) And that *Curtis* should be allowed his ten shillings a week, and used with great tenderness, lest he should turn Rogue as the other had done ; meaning Mr. *Dangerfield* ; (and here note, that *Curtis* is the same man concerned in the Duke of *Buckingham*s business.) And that she should be particularly kind to *Susan Edwards*, though she were both Whore and Thief, yet she might be a great instrument towards the saving her Life, when she came upon the Tryal. Some time after this, Mrs *Cellier* not thinking the way of the brown-thread safe, in regard I had seemingly pretended I could

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not

not be so often at leisure to go with the bottoms as she would have had me) ordered it so, that the Notes should be made up in little Boxes like Pill-boxes, that so they might pass under the notion of Physick; and were to be left at one *Howards House* a Stone-cutter, on the *Fleet-ditch-side*, near *Black-Friars*, for Mrs *Celliers* Son-in-law, whose Name was *Blare-dale*, and an Apothecary in *Arundel-street*; but these I also discovered. Now for my incouragement in this affair, Mrs *Cellier* promised to make my Fortune, either by Marriage, by the Dutcheſs of *Tork*, or some other way, which I should think most fit, provided I would be true to her. Then she further added for my incouragement, that the Duke of *Tork*, whom she called Master, (and then was in *Scotland*) would not be long before he returned, and that then it would not be long ere she should have her Liberty; saying, she was so much in his favour, and so intimate, that she both had, and could be very frequently admitted the Dukes Closet, by a certain scratch of the door, which, she said, she always used, and he well understood, &c.

*Anne Neathercoat.*

*The Testimony of W. Boyce, &c.*

**A**Bout the middle of last Summer, 1679. Mr. *Dangerfield* came to Treat with me, in relation to Mr. *Prance*, and desired to drink with me privately; and thus he Attacked me three or four times, still endeavouring to press upon me discourse relating to Mr. *Prance*, wherein he seemed to express many discourses that *Prance* had raised of me to my prejudice, and to this purpose.

*W. Boyce.*

*The Testimony of Jane Stubbs, &c.*

**W**Ho saith, That about the Month of *June*, 1679. Mr. *Dangerfield* came to her Husband, who lay then very sick, and desired her Husband to tell him, if he had not been much Tortured when he was in Prison, about the firing *Fetter-lane* & to which her Husband answered, he was hardly used at first, but better afterwards. Then Mr. *Dangerfield* inquired into the condition of her Husband, and gave him five shillings, and promised to get Money to pay the Rent of the House, which was five pound, and to come again, but did not. And asked her Husband if he knew Mrs *Cellier*.

*Jane Stubbs.*

*The Information of Alice Leeson, Wife of W. Leeson of Clerkenwel, in the County of Middlesex, Cook, the 8th day of June, 1680. before Sir John Frederick Kt. Alderman, and one of His Majesties Justices of the Peace of the City of London, as followeth.*

**T**His Informant saith, That having some occasion to go to the *Pres-yard London*, some time last Term, she met with Mrs *Cellier*, where this Informant did ask her how her Tryal went on? whereupon she replied, I went to meet the Lyons, but they did not appear, but this Perjured Villain *Dangerfield*. But I am prepared for the Lyons, let them go on when they will; and truly, said she, I now study the Law and the Statutes, to bring perjured Villains to their ends; and I go up to Mr. *Redding*

to assist me, and I assist him. And this Informant telling the said Mrs *Cellier*, she wondred how this PLOT was so quash't, which was carried on by Mr. *Oates* and *Bedlow*! she told her, that they the said *Oates* and *Bedlow* were Perjured Villains; and that there were more come into their Religion since the said PLOT, than for many years before. And that she this Informant should live to see their Religion the most flourishing Religion in the Nation, viz. meaning the Popish Religion, as this Informant believeth.

*Alice Leeson.*

Having all this united force of Evidence, Testimony, and Circumstances on my side, I came into Court, (without the least suspicion of meeting with such exceptions against me) to do my duty as a Witness for His Majesty, in the prosecution of an Information, to the truth of which, in substance, and by allowance, I had Sworn before His most Excellent Majesty himself, and His most Honourable Privy-Council; and upon which Mrs *Cellier* had stood so long Committed, by the Approbation and Act of the same Authority. But to my amazing astonishment, and the no small surprize of others, the Prisoner, who had before called me her good friend, and given such a Character of my Modesty, to my new-Landlord and others, and judged me a good and undeniable Evidence on their parts, objected against my Testimony; alleadging, That if she could make it out, that I had been Whipt, Transported, Pillored, or Perjured, I could not be allowed a Witness against her; which produced the following Dispute.

*C. J.* If you can produce any Record whereby he is Convict of any thing that can by Law take away his Testimony, do it.

*Cellier.* He hath been Indicted for Burglary.

*C. J.* *Dangerfield*, were you ever Indicted for Burglary?

*Dang.* I will take it at their proof.

*C. J.* Let every Man have his right in Gods name.

*Cellier.* My Lord, I can prove him Perjured.

*C. J.* Have you any Record to prove him Perjured? is he Convicted?

*Cellier.* No.

*C. J.* Then you cannot do it.

*Cellier.* I can prove him guilty of Forgery.

*C. J.* If you do not produce the Record, you do nothing.

*Cellier.* I have the Copies of several Records in Court, which will be Sworn to. Which being produced, I then pleaded His Majesties most gracious Pardon. To that Mrs *Cellier* replied, she had a Copy of it, and that it did not extend to some of the Crimes of which I then stood Convicted. And to prove her Allegation, she produced a Copy of a Record of an Outlawry for Felony, which occasioned the Court to order my Pardon to be read. But not having it about me, I prayed half an hours time to fetch it, which was granted; and during my absence, some other Witnesses were Examined.

First, *Thomas Williamson* Sworn for the King, and thus Interrogated.

*C. J.* Did you ever see *Dangerfield* and Mrs *Cellier* in Company?

*Wit.* No, my Lord, but I have been employed by Mrs *Cellier* to get persons out of Prison, and among the rest Mr. *Dangerfield*.

*C. J.* Why was she so kind to *Dangerfield*?

*Wit.* I do not know that, my Lord, but she bid me get him out who ever remained.

*J. Raymund.* Why was she so earnest to get him out? did she tell you what she would have with him?

*Wit.*



*Wit.* No, my Lord.

*Record.* We only bring him for a Witness that she was familiar with *Dangerfield*.

Next to him, *Margaret Jenkinson*, who formerly had been a Servant to *Mrs Cellier*, was Sworn and thus Examined.

*C. J.* What discourse have you ever heard between *Dangerfield* and *Mrs Cellier*?

*Wit.* I never saw them together but twice, and it is a year since I left her Service.

*C. J.* When you saw them at Dinner or Supper, what other Company was there?

*Wit.* Her Husband was with her one time.

*C. J.* What did they talk about?

*Wit.* They talked about the Prisoners which were Condemned, which were the Five Jesuits.

*C. J.* Where was it? at her House?

*Wit.* No, at *Powis-house*.

*C. J.* How came you there?

*Wit.* I carried Notes backward and forward between them:

After *Susan Edwards*, another Servant to *Mrs Cellier*, was Sworn for the King, and Interrogated to this effect.

*Rec.* What intimacy have you known between *Dangerfield* and *Mrs Cellier*?

*C. J.* Did you ever see them together?

*Wit.* Yes, very often. And she said the Popish PLOT would turn to a Presbyterian PLOT.

*C. J.* Who did she say that to? to *Dangerfield*?

*Wit.* No, my Lord, but I have heard him say that he would make it his business it should be so.

*C. J.* What did you say to him, when he said he must turn Rogue, and discover all their PLOTS.

*Wit.* I said he would be no greater Rogue than he was before.

*C. J.* You were pretty nimble with him.

*Wit.* He thought he should be hanged.

*C. J. to Mrs Cellier.* Have you any Record to shew that *Dangerfield* was put in the Pillory?

*Cellier.* Yes, my Lord.

Upon that the Copy of the Record was read, for uttering Counterfeit Guineys; and the Copy of an Outlawrie upon Record for Felony.

*C. J.* Come Gentlemen, what say you to this Outlawry?

*Rec.* It is not the same person.

*C. J.* We ought to be very careful in these concerns, else we may do a work this day may make all the Kingdom rue it.

It is a sad thing, that people of a vitious profligate Life, both before they come to *Newgate*, and all along in their life-time, should be suffered as Witnesses to take away the Life of a Worm. I question whether he will come again or no, he hath been gone a great while; such are fit to be employed to find out, but hard to be believed when they have found out.

*C. J.* Captain *Richardson*, Is this the man that broke *Chelmsford* Goale?

*C. Rich.* My Lord, I can say nothing to that.

*C. J.* Was he Burnt in the Hand for Felony?

*C. Rich.* My Lord, I believe he was.

*C. J.*



*C. J.* He made me believe as though he would fly. I believe he is : we will not hood wink our selves against such a fellow as this, that is guilty of such notorious Crimes ; a Man of Modesty, after he hath been in the Pillory, would not look a man in the face. It appears, that after he was burnt in the Hand , he hath been Outlawed for Felony , and so it doth appear by the Record.

After I had been absent about half an hour, I returned with my Pardon, which being read , instead of *Utlagaria qualiacunque pro Feloniis quibuscunque*, the sence was more contractively expressed by the words, *Omnia Maleficia & Utlagaria qualiacunque* ; which omission seemed to render the Pardon defective ; it being his Lordships opinion, that the word *Utlagaria* did onely extend to Outlawries between party and party, so that my Evidence was wholly laid aside.

*C. J.* Such Fellows as you are, Sirrah, shall know we are not afraid of you. He produceth us here a Pardon by the Name of *Thomas of Waltham*, and saies his Father and Kinsman are both of that Name and Place. Will you have him Sworn whether his *Father* or *Cozen Thomas* was ever Convict of Felony ? It is notorious enough, what a Fellow this is ; he was in *Chelmsford* Goale. I will shake all such fellows before I have done with them. Have you any more to say, *Mrs Cellier* ? are there any *Waltham-Men* here ?

*Dangersfield.* My Lord, this is enough to discourage a man from ever entering into an honest Principle.

*C. J.* What ! do you with all the Mischiefs that Hell has in you, think to brave it in a Court of Justice ?

While his Lordship was giving his directions to the Jury, I was going away, as not thinking there was any more occasion for my stay, or that his Lordship had any farther business with me. Presently I heard a voice,

*C. J.* Where is *Dangersfield* ? is he gone ? call him.

So soon as ever I returned into Court,

*C. J.* Have you any friends will be bound for you in a good sum of Money ?

*Dangersfield.* No, my Lord, not in Court.

*C. J.* Then let him be Committed.

Immediately I was taken into Custody, and carried away to the *Kings-Bench-Prison*, where I remained from Friday the day after the Tryal, till the Wednesday-morning following ; at what time I was by a *Habeas Corpus* of my own procuring, brought to the Bar, in order to my giving Bail. But altogether unknown to me, there was a Copy of a Pardon produced, which I had pleaded at the *Old-Bailey*, for the remitting a Fine upon me, wherein I was Pardoned for Felonies, Robberies, and all Misdemeanours, &c. which raised another Argument.

*C. J.* Where was this Pardon allowed ? and for what ? was it allowed for Felony, as well as the Fine, or for the Fine onely ?

*J. Dolbin.* I allowed the Pardon, and as I remember, 'twas onely for the Fine. The Clerk of the Crown remembers perhaps.

*C. J.* Mr. *Tanner*, what say you ?

*M. Tanner.* My Lord, I think it was for the Fine only ; but the Felony is included, and therefore Pardoned I suppose.

*C. J.* No, I suppose not : for if it were not allowed for the Felony, as well as for the Fine, I do not know but that the Indictment ought to be removed, and the Pardon allowed next *Essex-Assizes*. However, upon his Lordships farther consideration, I was discharged.

Being now come to what more particularly concerns my self, I shall endeavour to keep within the bounds of respect and Reverence to the Office and Dignity of the person to whom I am constrained to offer these Reflections, out of a deep sence of an Injured Profelyte to Reformation, as may render me such in the esteem of the world. And that my Defence may rather appear to be a forced Complaint, than a Contumelious Expostulation with a Superiour in so high a degree, as being the only person that suffered under his Severity. Not forgetting to render my most humble thanks to some of those Honourable Judges his Brethren, whose mildness was a Lenitive that very much asswaged the rigorous entertainment of my Loyal attendance.

I shall take the words in the same order as they were spoken.

*Dangerfield, was you ever Indicted for Burglary?*

What the world may think of the Question, I cannot tell, but to my apprehension it seemed very odd that such a person should put himself to the trouble of demanding a Question, to which he could not choose but well know, or rather was very certain, that the Party Interrogated was no way bound to return an Answer. If then the Answer were not within the Verge of Constraint, consequently it was Impertinent; and if so, obnoxious: for considering the Circumstances under which the Testimony was well known to have lain, and how easily such petty obstacles might have been prevented, by the usual fore-sight of those that fail not to inspect the Conversation of the most material Witnesses in Tryals of such concernment; It was very strange, that a person summoned after so long deliberation, as a Witness for the King, and ready to deliver his Evidence against the Prisoner at the Bar, for no less than High-Treason, should have his Mouth stopt with a Question, which the Prisoner her self had not power to ask, but onely to prove the matter of fact. Had his Lordship demanded of Mrs *Cellier*, whether she had ever been Indicted before of High-Treason, he would have looked upon it as a great piece of Despair or Impudence, had she answered, Yes, my Lord, I have. Yet he that would have smiled at self-accusation in a Prisoner, could think it reason to sift the Kings Evidence to his own ruine. And I must Arraign my self for I know not what Burglary, to gratifie his Lordship, and the Prisoner, at the same time Arraigned by the Court for High Treason.

*Let every Man have his right, in God's Name.*

With Submission, I am apt to believe, that here was either a mistake of the *Sex*, or else a supposition at the delivery of the words, that *Man* in English, like *Homo* in Latine, is of the Epicene Gender. Else I cannot conceive what coherence there could be, between this distributive expression, and my Answer to his Lordships Question, *I will take it at their proof*, unless he thought I deserved to be Hanged for my obedience to the Kings Writ, to which I was (as I thought) amply enabled by his most Gracious Favour. No Impartial man could think I came there to do Mrs *Cellier* wrong, or that such a thing was in my power; for his Lordship could not but know, she had acknowledged *her Life was in my hands*. So that all the wrong she could expect from me, was to be false to the King and Kingdom; and all the right I could have done her, was either to have devoted my self for her dear sake, with an obstinate silence to the Halter,

Halter, or to have stifled my Evidence with some generous piece of self Homicide.

Upon the Testimony of *Susan Edwards*, his Lordship was pleased to spring this Question to the Maid.

*What did you say to Dangerfield, when he said he must turn Rogue, and discover all their PLOTS?*

I am unwilling to let fly the least extravagant thought. But certainly it was a particular way of Proceeding, to give the Kings Evidence an opportunity to abuse and render the Kings Testimony ridiculous, and by a question so remote and forraign, that at first it onely created a wonder why it should be asked; to make one of the best Collateral Witnesses the King had, the sport of his own Court; and all this (for the wonder soon ceased) to entertain the Auditory with a Sarcasme of a Chambermaid:

*I said he would be no greater Rogue than he was before.*

How strong this smelt of premeditation, I leave to the world to judge. For his Lordship could not choose but know what the Answer would be, who had the Question so ready, when there was not the least cause or necessity for it. For *Susan Edwards* was summoned to prove the bringing the Twenty shillings in Silver, and the Guiney to me from Mrs *Cellier* at Newgate, (upon my first apprehension) with Instructions what to say, should I be asked about the occasion of our Correspondence. She was to have proved the Message that she brought from Mrs *Cellier* to me soon after,

*That her Life was in my hands, and that if I did not stand fast, she was an undone Woman.*

Which had it been fully Sworn, I question whether Mrs *Cellier*, though I had been what they would have made me, must not have been discharged the Jury, and reserved to a farther discovery. But to all this his Lordship had not one Interrogatory to purpose, onely amuseth the unwary Damsel, (who if she pass henceforward for a Wit about the Town, owes her advantage solely to his Lordship) and leads her into a Question to destroy what he ought to have supported. As if the Maid had been summoned thither not to give her Evidence, but onely to shew her Parts. Which when his Lordship had done, he could not forbear to congratulate the Maids Wit with a Sardonick smile, give her the great applause, *You were pretty nimble with him.* Whence I may with *Seneca* presume to observe, that there is a difference between Passion and Sedateness; and that apparent Heats and Transportments, are not always the ornament of a Tribunal. *Quid ergo? non irascor Latroni? non irascor Venefico? Non. Sed procedam in Tribunal non infestus sed vultu Legis; nec quicquam magnum est, nisi quod simul & placidum,* l. i. de Ira, c. 26.

But now directing his Speech to Mrs *Cellier*, with a more friendly sweetness he enquires of her,

*Have you any Record to shew that Dangerfield was put in the Pillory?*

As if it had been the work of that Morning to Arraign Mrs *Cellier* for Treason, and try me by her Evidence. You may be sure Mrs *Cellier* was loath to come to the Test; and I think his Lordship was as unwilling she should: what Records she had, he had allowed her fairly enough before  
to



to produce, without the help of such encouraging Questions. Though the Court be of Council for the Prisoner, there was no such need of prompting a Woman, whose readiness in such affairs, had been so well experienced in the same place. However, it being now impossible for her to deny a favour so earnestly demanded, she produced a Brace of Records; the one was a Copy of an Outlawrie for Felony, upon which his Lordship called to the Kings Council,

*Came Gentlemen, what say you to this Outlawry for Felony?*

Here his Lordship seemed to take the advantage he had over me; he calls to the Kings Council, as one that saw he had put them to a puzzle, and consequently certain of the Victory. I would not willingly incur the displeasure of any man, especially of his Lordship; but my Justification urges me to say this, that though there are many Reasons why a Man may ask a preparatory Question, which he is able to resolve at the same instant; yet here it carried the resemblance onely of a preparatory Formality, which the subsequent proceedings required. The knowledge of my Offences, were the Motives that induced Mrs Cellier to associate me with her self, in the deep Contrivances of so wicked a Conspiracy. His Majesty himself, who never gave me those Reproaches under the foul guilt of Treason, as his Lordship did when Pardoned by his Sovereign, well knew my Crimes; but beholding my penitence, gave a forfeited Life to him, who had been the bane of a Conspiracy against his Sacred person. Else Mrs Cellier had hard measure to be so long detained upon the accusations of one who walked about the Town with a defective Pardon. And it may be looked upon as a Recompence for her Sufferings, that she was so easily delivered. Otherwise, it was a severe Case, that Mrs Cellier, laden with so many Crimes, fouler than all mine put together, unless what she her self had involved me in, should be brought to the Bar to encounter me her grand Associate, her Confederate, her Intimate in the conduct of all her mysterious Treacheries, with an inconsiderable Outlawry, (I speak comparatively) and all for want of a *Quibuscunque*, and this too in order to her Acquittal.

*We ought to be very careful in these Concerns.*

I dare not presume to instruct his Lordship, nor do I; nor do thousands more question, but that his Lordship exactly understands how far his care ought to extend. But whether needless and overweening nicety be care, I leave the Casuists to dispute. Care may be hurtful, where there is more care taken of the greater Criminal, than of the less. Care may be too injurious, if I may not say presumptive, when it over-curiously scans and descants upon a thing of so solemn a nature, as the Pardon of a Sovereign Prince, whose onely *Let him be Pardoned*, is like the command of *Let there be day*. And I dare be bold to say, That His Majesty never intended I should suffer that prejudice and disgrace by his Pardon, as his Lordship hath put me to.

*Else we may do a work this day, may make the Kingdom rue it.*

I see his Lordship continueth his care; but there are many that fear, his care was too neglectful, to let so great a Criminal as Mrs Cellier was,  
(for

(for while I have breath I must still maintain it) break all the Fences of the Law; for the meer defect of Clerkship. And many good people there are, whose Prayers, Hopes, and Wishes, are all to the same effect; That the Kingdom may not rue the Cavils of that Morning, under the pretence of care and tenderness of Conscience. And the Question may be fairly put, whether the great Arch-Angel of the Three Kingdoms, and the Tutelar Angels of the Nation, his chosen Assistants, shewed more care in committing so great an Offendor as Mrs Cellier, and supporting my Information; or his Lordship, in vilifying both my Testimony and Person to set her free. The World must needs believe that his Lordship had a very high opinion of his Prudence and Justice, to advance them above the Wisdom and Equitable deliberation both of the King and his Council. But he had Condemned several (at what time there was no disputing about Pardons, though far more furiously Attacked) and therefore as many must be saved, or else *Astræa's* Ballance would fall from the *Zodiack*.

*It is a sad thing that people of a vitious profligate Life, both before they come to Newgate, and all along in their Life-time, should be suffered as a Witness to take away the Life of a Worm.*

His Lordship next will deny the King his Prerogative; for that very person whom the King had set right in Court, he calls one of a vitious and profligate Life; so far his Lordship differs from the sense of the Blessed: Heaven rejoiceth at the Conversion of a sinner, his Lordship storms at mine. And because I had deservedly suffered before in bad Causes, he was resolved to be even with me, and make me suffer for once undeservedly in a good one. I submit to his Lordship, that it would be an hard case for such persons as he mentions, to take away the Life of a Worm. But his Lordship mistakes Mrs Celliers Character, for she was no Worm, unless he means such a Worm, as would have Corroded and Cankered the very Root of the Nations happiness. And then it was a *sad thing*, that a person of a *profligate Life Pardoned*, should not be admitted to give his Testimony against a Woman of a profligate Life unpardoned. Here was onely the difference in the Proverb; the Worm was trod on, and his Lordship turned again.

Might I be so bold, I would ask his Lordship, who discovered the Conspiracy of *Cataline*, but *Curius*? *Flagitiis atque facinoribus Coopertus* & *Fulvia*? *Salust*.

Who revealed the Treasons of *Marshal Biron*, but his Confident *Laf-tin*? *Accablé de Crimes & de mauvaises affaires*? *Mezeray*.

For if a Man be not of the Cabinet-Council of the wicked, he shall never be able to know their Intrigues; and if he know them not, far less able to discover them. Mrs Cellier acknowledged, that had I not been brisk, I had never been fit for their turn. He that is not through-paced in bad principles, is not to be trusted in the Murder of a Prince; Men of Vertue certainly were not to be invited to the attempts. But people of vitious Principles, stick as close to them, as honest and good men to the Precepts of Vertue, which creates the difference and safety between communicating a piece of villany to a Miscreant, and an honest man. From whence I collect, That no Man can be a good Witness in Mischief against his Confederates, unless he be involved in the same Crime. And therefore the reason is plain to all Men, why some are Pardoned for Burglary, some for Robbing on the High-way; to the end they be good Witnesses

to discover the mis-deeds of their Accomplices. For to use his own words at the Lord Castlemains Tryal : *A Man once Pardoned, is restored to his former Credit ; and so the King intends by all his Pardons.*

Now if that be true, (as I would take all advantages to subscribe to his Lordships opinion) certainly his Lordship was under a mistake, so needlessly to quarrel with His Majesties Broad-Seal, or at least, to make so flight of his intentions. Doubtless it was an high reflection upon the Kings Honour, to repeat and raise from the Tomb of silence, to the ruine of a Pardoned Subject, the Ghosts of buried Crimes. And yet soon after he had affronted His Majesties most gracious Act and Deed, to declare that the very intentions of the King are valid in his Pardons. But the grandeur of the antient Oracles consisted in their Ambiguity.

*I question whether he will come again or no, he has been gone a great while.*

His Lordship pursues his Text very smartly, and in another Man perhaps, he would have looked upon it as a kind of *Malitia præcogitata*, to prosecute a person, that to his knowledge never did his Lordship wrong, with so much vehemency ; for my part, my little reason tells me, that though it be the duty of far my Betters, to reverence and to be careful of giving Offence to a Personage so highly entrusted as his Lordship, yet that it is beneath the Majesty of Magistrates so eminently exalted, to trample upon the meanest of their inferiours. Neither do I think, with all Submission be it spoken, that his Lordship kept within the bounds of true *Decorum*, to sit in that place prepossessing the People with an ill opinion of the Kings Evidence. I am sorry I disobliged his Lordships patience ; yet I dare be bold to say, (though it be no easie task to hurry through the streets of London) that I did not exceed the time allowed me of half an hour, to go from the Court of *Kings-Bench*, beyond the Royal *Exchange*. However, at length I did return, as far as I can guess, contrary to his Lordships both expectation and desire, by that expression which follows, when he said,

*I question whether he will come or not.*

A surmise, of which I cannot fathom the reason, for I neither had the least apprehension of the danger concealed, or fear of my disability to make good my Charge, in regard his Lordship had not revealed his future intentions to me. Had his Lordship had any suspicion of me, it may be wondred he did not send his Tipstaff along with me then, as afterwards he did, and which he might as justly have done. But here *Lucian* in one of his Dialogues, lends me his assistance, where he says : *That he who inveighs against the absent, doth but claim the attention of the Auditory to himself, by prepossessing their ears, and stopping them up after he hath filled them full of the worst he hath to say, by which he renders them impenetrable to any defence against the ill Character he hath given.* Which he calls a very great injury, not onely in his own, but in the judgment of *Solon* and *Draco*, two wise and famous Legislators.

*Such are fit to be employed to find out, but hard to be believed when they have found out.*

This is a *Laconism* wherein his Lordship had undertaken much in few words,



words, and therefore the harder to be interpreted. But I humbly suppose his meaning to be this ; That they who are and have been the Discoverers of the PLOT, and fit to be believed, so far as to say there was a PLOT, are not when they Swear in the Prosecution of their Discovery, in regard that such a Prosecution is the act of men of *Profligate Lives*. If this be the meaning of this pithy Sentence, as I believe *Salmatus* himself could find no other, his Lordship hath laid a fair Foundation for the Subverting, Overturning, and invalidating all that hath been said or acted by all the Testimonies and Evidence for His Majesty, in all the several late Tryals, wherein his Lordship himself presided : which if it should come to pass, I leave it, with submission to his Lordship, to consider the fatality of the Consequences. My Lord, it can be no good Logick to grant the Papists such a Conclusion ; they are nimble enough to lay hold upon the sayings of great and Learned Men, especially when uttered as Apothegms ; and they needed no such encouragement to prove their Arguments. But Heaven avert, that either your Lordship, or any such Stars of the first Magnitude in the Sphere of Loyalty, should ever live to see such a mutation of Affairs !

*Captain Richardson, is this the Man that broke Chelmsford Goale ?*

Lord ! What a strange Question was this, for all Men that own Impartiality to shake their heads at ? Captain *Richardson* must be favoured by the Name of Captain *Richardson*, and the Keeper of *Newgate* must be tempted to answer for the Keeper of *Chelmsford Goale*. As much as to say, Is there no Man here that can help a man out to vilifie this Rogne ? But it seems Captain *Richardson* could neither answer his Lordships Question, nor his expectations. But to shew how ready I am to obey his Lordships Commands, I will freely give his Lordship to understand, that I never did break the Goale of *Chelmsford* ; though if I had, I know not what kindness it would have done his Lordship, but onely to render me more odious to the Auditory.

*Captain Richardson, was he Burnt in the Hand for Felony ?*

Here was another strange Riddle proposed, but not so difficult to unfold as that of *Sphinx* ; for wherefore should that Question be asked, when there was a true Copy of a Record produced for it ? but this was still to improve the ill-will and bad opinion of the People against me. My Lord could never have been the Conquering Champion, had he not first made me the monstrous Dragon. But I owed that respect to his Lordship, that had he put that Question to my self, I would have owned it. For indeed, I am apt to believe, that as the Case then stood with me, any other person, though the best Gentleman's Son in the Country, might have been lyable to the same scandal, or rather disgrace ; for then I was but a young stripling, under the Tuition of my Father, and no way privy to the Fact laid in the Indictment, till it was actually committed by another person ; who being, as I was under my Father, Clerk to another Attorney, came to me one Evening with a Cabinet, which, as he said, he had taken from his Mother, who was a Woman very rigid, and careless of his Maintenance : withal he told me, I should have a part, if I would conceal his Crime, and help him off with the Goods, which the ignorance of my youth was by such a dazzling prospect easily tempted to undertake, as I did ; and for  
which

which the other Boy gave me as many of the things, as he said amounted to one third part more. Now to shew what a cunning gamester I was at this sport ; I was no sooner possessed of my gay Toyes, but I openly wore the Rings which came to my share, and shewed my Silver Medals to the Countrey-people, displaying my Prizes with all the folly and pride imaginable of an unexperienced Boy, and one that understood nothing of his danger. At length, the description of all the things being published in the Gazet, the people of the Town well knowing I had shewed them several of the Goods mentioned in the Advertisement, carried me before a Justice of the Peace, to whom, upon my Examination, I owned where I had them, and how I came by them ; thereupon the Justice Committed me, and being brought to Tryal, I was Convicted for Confederacy. Which is the whole and plain truth of the story, of which his Lordship would have made such an advantage against me

*He made me believe he would flie ; I believe he is : we will not hood-wink our selves against such a fellow as this, that is guilty of such notorious Crimes. A Man of Modesty would not look a man in the face, after he hath been in the Pillory.*

I do find now, that his Lordship is coming to his application ; but if the Spirit of Wisdom be mild and soft, as the Sacred Oracle of Scripture affirms it to be, I cannot imagine why his Lordship should fall into such Raptures and Rhapsodies upon bare surmises. It's believed I was *fled*, and and therefore *we will not hood-wink our selves*, &c. Here his Lordships supposition was without ground, because I did return again. Neither do I remember, that I told his Lordship I would *flie*, because it was a thing I never pretended to. Now the Logick of Reason informs me, that where the supposition vanisheth, the inferences can never be true. But grant I had been Pillored, most certainly the Pardon reached that offence ; and tho it was thought to be defective in reference to the Outlawry. I humbly conceive it was not so fair for his Lordship at that time to tax me for want of Modesty. I have been informed, that one of his Lordships Predecessours was once a Robber upon the High-way, but having obtained his Pardon fell to his Studies, rose by the Law that he had so often broken, and became a great and famous Judge. So that Reformation ought to be encouraged, not upbraided. For my part, though necessity prompted me to so many vile mis-deeds, yet within my self at the same time I abhorred the Fact I was committing ; and therefore I humbly beg his Lordships Pardon, for differing from his Lordships Judgment of Modesty. For he that hath once obtained the Pardon of a Prince, ought to be so far from secluding himself from the Converse of Mankind, or daring to look people in the face, that he would wrong the high favour done him, should he not make it his business to shew himself the publick object of Royal Mercy, and desie all those that tax him with his forgiven Crimes. But these Taunts and Reproaches, (though ten thousand times more frequently thrown in my dish) shall never make me decline the just cause I am engaged in, for the Service of my King and Country. In order whereunto, though I were the Man that yesterday durst do an ill act, I am not to day afraid, after a full repentance of my Crime, *to look him in the face*, who shall be so unkind as to tax me with immodesty for so doing. If his Lordship knew of the defect in my Pardon before I returned, he might have dispatched his business sooner, and not have put him-

himself in such a heat for his attendance upon me: if not, I humbly conceive it was unseasonable to be so violent before the Pardon came, and the defect were proved.

Here the Pardon was scan'd, and adjudged defective as to the Outlawry.

*Such Fellows as you are, Sirrah, shall know we are not afraid of you.*

I do not know that ever at any time I called his Lordships Courage in question; and I appeal to all that were present in Court, whether I failed in any point of respect and reverence to the Dignity of the persons there sitting; so that I cannot apprehend the reason why his Lordship should believe that I thought my self such a Terrour to him. However, his Lordship hath owned himself under the Notion of those that may have reason to fear *such Fellows* as I am, though for the present he declares the contrary. *Such Fellows*, is a comprehensive expression; but I hope there are no more *such Fellows* as his Lordship endeavours to make me, in the discovery of the PLOT; if there are, his Lordship hath not thought it convenient as yet to tell them his mind. But now I remember, I was no such fellow once; I was allowed as a good Witness at the Tryal of *Knox* and *Lane*, and at the Tryal of *Munson* the Priest.

*So change the times, and we are changed in them.*

And thus we see his Lordship is not afraid of me; who they are he doth fear, that's onely for time to discover.

*He produces here a Pardon by the Name of Thomas of Waltham, and says, his Father and Kinsman were both of that Name and Place; will you have him Sworn, whether his Father and Kinsman were ever Convicted of Felony?*

Here is a Proposal made to the Kings Council, the strangest that could be imagined; his Lordship could not but well know who was the *Thomas of Waltham* concerned in the Pardon, and the chief occasion wherefore it was granted; which was, to make me a Legal and Warrantable Testimony against a foul Traitor, that had Conspired the Death of His most Sacred Majesty: and yet for that very reason he rejected the Kings favour, to render it ineffectual both to His Majesties expectation and my advantage. However, at the same time he could have been content, that the person whom he had refused for a Testimony in the Kings behalf, as one that had been Pillored, Burnt in the Hand, and Outlawed for Felony, and unpardoned, as he concluded, for the last, should be allowed to Impeach his Father, his Kinsman, and himself, upon his own Oath; Nay, had I but said it, I question it not but it would have been enough. Otherwise, if it were onely put by way of *Irony* to the Council, it onely served to make an insignificant noise among the ignorant, and I fear me comes within the Verge of a Baffle upon Royal prosecution. I do confess, that in all my observations of the late Proceedings, I never saw the Kings Evidence so well Hectored before.

*He has been in Chelmsford Goale; I will shake all such Fellows before I have done with them.*

Here's a show of Words and Threats as great as Hail stones; let all Men take an extraordinary care how they get into *Chelmsford Goale*. *He has*



*been in Chelmsford Goale, and therefore I will shake all such Fellows. Here's a new most horrid and monstrous Crime, never heard of before, to have been in Chelmsford Goale; 'tis no matter for what he was in Chelmsford Goale. But I have already given the world an account, how I came in to that dismal and execrable place, and for what, and shall therefore say no more of it.*

*But to this terrible business of shaking; I hope 'tis easie to be demonstrated, that I stand upon a sounder bottom than to be so easily shaken. With submission, I believe it to be the same bottom on which the Interest and Safety of my most Gracious Sovereign and Countrey, the Protestant Religion, and National Government at present stand; and then let his Lordship endeavour to shake all together if he can, I am certain to be shaken in good company. Truly I cannot choose but check my thoughts for thinking what throws his Lordship endured to deliver a Midwife.*

*Mrs Cellier, have you any more to say? Are there any more Waltham-men here?*

*To which I answered and told his Lordship, that there was enough already said, to discourage a man from ever entertaining an honest Principle. To which his Lordship,*

*What do you think with all the Mischiefs Hell has in you, to brave it in a Court of Justice?*

*Thus was my mouth quite stopped, there was no speaking after this. However, I will leave this to all the world, whether the modest Complaint which I made of the usage I had received for coming to do His Majesty Service, were a braving of the Court or no.*

*Have you any Friends will be bound with you a in good Sum of Money?*

*I was in good hopes his Lordships haft had been over, and that he had been now going about to turn a kind Banker, believing I might want Money in the place whither he was sending me. For considering the safety wherein I thought my self, by Vertue of my Pardon; and not believing his Lordship would have made such publick Reflections on the Kings Grace and Favour therefore granted, to justifie me against all Objections that would be made against me by the Kings Prisoners: I could not imagine any other reason why his Lordship should examine me for Security; but it seems it was to another end: for not having any Subsidie-Friends in Court, he gave the word of Command,*

*Then let him be Committed.*

*And so I was Committed to all intents and purposes; for immediately I was taken into Custody, & hurried away to the Kings-Bench Prison, where being looked upon by those interior Beasts of Men, as one that lay under those severe aggravations, of which the scorn and contempt of Superiour Command had so tempestuously thrown upon me, and I was presently lockt up with Knox and Lane, and several others whom they had assimilated to themselves in Lawless conditions; who maliciously remembering that I had been a Witness against them at their Tryals, upon which they lay their*

their Conviction, not onely rudely assaulted, but farther menaced me with nothing less than Murder. So that finding my self an unequal Match, either for Power or Number, I acquainted the door-keeper with my condition, and told him wihal, that it was his Masters business as much to secure my Life as my Person, and therefore desired to be removed to some place of more security; which soon after was done by one *Middleton*, an Officer belonging to that place. Who after he had demanded and received from me several Fees, which, as I was afterwards assured, were as unjustly extorted, as by me readily paid, according to the usual custom of those Purse-Leeches, put me into a kind of Dungeon on the Common-side, where I continued from Friday till Munday night, after a sort of hard usage; *which I am apt to believe, I should not have been constrained to have undergone, had there not been a private and particular Order for it from some higher Authority than the Marshal, as he himself told me afterwards.* However, upon Wednesday morning after, I was brought by an *Habeas Corpus* of my own procuring to the Bar, in order to my intention of giving in Bail. But it seems, altogether unknown to me, there was a Copy of a Pardon which I had pleaded formerly at the *Old-Bailey*, for the remitting a Fine imposed upon me, wherein I was also Pardoned for Felonies, Robberies, and all other Misdemeanours. By which Pardon, being general, it appeared that I was also Pardoned for the very Crime for which his Lordship had Committed me to the Kings-Bench; *so unexpected a check did my good fortune put upon heat and temerity.* I confess it was my happiness, that I did not call to mind that Pardon at Mrs Celliers Tryal, *(if I may not rather call it mine own)* for then I presume I might have prevented my falling under (that Misfortune I had) *the hands of a transported severity.* But I must ingenuously acknowledge the reasons why I did not, and why indeed it was almost impossible I should; for first, my Mind and Thoughts were wholly charged with the weight of the Testimony which I thought I had been to give in against the Prisoner. In the next place, I could not imagine, since the King had been pleased to give me a special Pardon, that I could have had any occasion for a general one, which I then did not know included more than my Fine. And then it was one of the greatest surprizes in the world to me, *and to find his Lordship so imbittered against me;* a thing which I so little expected, being no way conscious to my self that I had ever acted against his Lordship any thing that might occasion so much fury, *unless it were that I once endeavoured to have Mrs Cellier examined before the Lords of the Council, to give an account of what she had once informed me in the time of our intimacy, touching a Treaty between his Lordship and the Lady Powis, in favour of Sir George Wakeman. This I am apt to think, went a great way, and was the main inducement to render my Testimony contemptible and Invalid; and that which produced so many Cautions to the Juries how they gave credit to my Oaths. And all men know, that self-interest is that which may expose the most Sage oft-times to acts of unwariness, in publick Cases of great Weight.*

Where was this Pardon allowed, and for what? was it allowed for Felony, or the Fine onely?

*I will not here undertake to be my own Interpreter, but leave it to the Impartial to censure the continuation of his Lordships Nicety and Curiosity. For he would infer, That if it were allowed for the Fine onely, it was still*

*to be allowed for the Felony ; though Mr. Tanner the Deputy Town-Clerk of London had delivered his opinion in answer to his Lordships question, That he thought all was Pardoned that was expressed in the Pardon. His Lordship supposed it was not, and therefore declared, that if the Pardon were not allowed for the Felony, as well as the Fine, he did not know but that the Indictment ought to be removed, and the Pardon allowed next Effex-Affizes.*

But with all submission to his Lordship, I shall humbly crave leave to ask this Question ; What may be thought to be the intentions of a Prince when he Pardons a Man ? doth he intend to Pardon the one half, and leave him to answer the Law for the other ; or is it intended in ample manner ? more especially, when it was sufficiently known the Pardon itself could not satisfy the end for which the Pardon was granted, without it were absolutely full for all Crimes past. The first is to make a Man believe he is Pardoned, when he is not ; and the Prince himself looseth as well the aim as the intention of his Mercy and Compassion : if the latter, then it is as fully to restore him to his former Reputation, to avoid his being Impeached for any past Crimes, and to encourage him to a Reformation for the future. Yet all this being granted, his Lordship will have the Pardon however to be allowed in the Country where the Crime was acted ; as if the King intended by every Pardon he is pleased to grant, that the Parties concerned shall be forced to go into the several Counties where-in they have offended, and perhaps into all the Counties of *England*, to have their Pardon allowed ; but in regard that upon his Lordships better consideration I was discharged, I will submit to his Lordships condescension : adding this to my former experiences, that sometimes there may be a reason for great Men to advise, as well as others.

And thus I have exposed, with all submission and caution possible, those Conceptions which the Impressions of my severe and unequal usage brought to the assistance of my most serious thoughts.

I shall now produce the Arguments maintained by the Kings Learned-Council at the Tryal of the Lord *Castlemain*, upon the same Subject in point of Law, of which the subsequent Relation gives a true account.

The Wednesday sevensnight after, the Lord *Castlemain* coming to his Tryal, I was Subpoena'd on His Majesties behalf, by the Advice of His Learned Council, to be a Witness against him ; and the matter of Fact having reference to the same thing, I think fit to give an accompt thereof.



*The Arguments in Law on both sides ; and the Resolution of the Judges of the Court of Kings-Bench, about my being a Witness in the Case of the Earl of Castlemaine.*

*Mr. Att.G.* **C** All *Mr. Dangerfield*.

*E. of Cast.* Stop a little, Sir, my Lord.

*Mr. Att.G.* Swear him.

*E. of Cast.* No, I hope not.

*Mr. Att.G.* Why not ?

*E. of Cast.* My Lord, here is an affair of Law, and that I must submit to your Lordship and the Court, whether *Mr. Dangerfield* be now to be admitted a Witness, who hath been at this Court upon the like occasion, and had the Censure that he was not to be admitted a Witness, but had his mouth stopped then ; and I hope I may be permitted to shew my Reasons whether he may speak or no.

*L.C.J.* My Lord *Castlemaine*, you must shew the Exceptions you have against him, if you will bar him of being a Witness.

*E. of Cast.* My Lord, he is a person that is Outlawed for Felony, and a stigmatized Man, he hath been in the Pillory, and a great deal worse, he hath been Burnt in the Hand ; now if your Lordship think it should be disputed, I desire you would allot me Counsel to argue the Law, and then I shall submit to you.

*L.C.J.* I think it very reasonable you should have Counsel assigned you: for whether he be *Stigmaticus*, or infamous by the Pillory, it is fit you should be heard by your Counsel, whether he be a good Witness or no.

*Mr. Att.G.* Pray, my Lord, let the Objections be first made.

*E. of Cast.* I told you, Sir, before, he is an Outlawed Man, he was Convicted of Felony, and ran away, and upon that escape he was Outlawed.

*Mr. Att.G.* When do you say he was Outlawed ?

*E. Cast.* In the Seven and Twentieth year of the King.

*Mr. Att.G.* We say then he hath a Pardon, wherein that Outlawry is pardoned.

*L.C.J.* When is that Pardon ?

*Mr. Att.G.* In the 30th year of the King.

*L.C.J.* But, my Lord, how do you prove he was Burnt in the Hand ? for that will be the greatest Exception. If a Man for Felony come to be Burnt in the Hand, whether that be such a stigmatizing as will render him incapable of giving Evidence.

*Mr. Att.G.* We say our general Pardon followeth that, and so purgeth it.

Then the Record of the Outlawry was admitted and read, and after that the *Newgate Pardon*, in which *Mr. Dangerfield* was particularly named. Dated the 13th of June, 30 Car. 2.

*L.C.J.* For his Burning in the Hand, what say you, Mr. Attorney ?

*Mr. Att.G.* His own Pardon comes after that.

*L.C.J.* As for the Outlawry it is Pardoned, and by that he is restored to be a Witness again ; but of my Lords desire to have Counsel assigned him to speak to this point, whether a man branded and Burnt in the Hand for Felony, be after to be received as a Witness, I see no reason but he should have it.

*Mr. Att. G.* If your Lordship make that a doubt.

*L. C. J.* I do for my own part. First, in this matter I am clear, if a Man were Convicted of Perjury, no Pardon after will make him a Witness, for that were to do the Subject wrong. The Pardon doth not make a Man an honest Man, but takes off those Reproaches that lay upon him; for the Law is so wise, it will not suffer needless Contumelies to be heaped upon him, as to be called *Perjured Rascal* and the like, which is only to prevent abusive Language, that tends to the breach of the Peace. But a Man once Convicted for Perjury in a Court of Record, no Pardon ought, or ever might set him up again. But indeed, that is not our Case; we are upon this single point, Whether a Man Burnt in the Hand, to whom after a Pardon is granted, may be a Witness? Though perhaps it is not so strong in this Case, as it is in the other of Perjury. For a man it may be would not wilfully forswear himself, that hath Committed a Robbery. But I think it reasonable, and there is no reason to deny it, that my Lord should be allowed Council to speak to the single point as the Case is here. Who would you have assigned you my, Lord?

*E. Cast.* I do humbly beseech your Lordship, since you have been so favourable as to allow me Council, that I may have assigned me Mr. Jones, Mr. Sanders, and Mr. Darnel.

*L. C. J.* Well, let it be so.

*Mr. Jones.* If your Lordship please, we desire that his Pardon may be read.

*L. C. J.* Are you prepared for it to argue it now?

*Mr. Jones.* No, my Lord.

*L. C. J.* My Lord *Castlemain*, do you rest upon this Exception onely?

*E. Cast.* My Lord, I stand upon both.

*L. C. J.* The Outlawry is expressly pardoned.

*E. Cast.* Then I must submit to that.

*L. C. J.* Have you any other Exception?

*E. Cast.* My Lord, I do humbly conceive the Pillory is another Exception, and that the Burning in the Hand will render him incapable of being a Witness.

*Mr. J. Dolbin.* Unless they will admit that, you must prove it.

*L. C. J.* But see, my Lord, whether this be so necessary for your defence, as to protract this Cause for the Argument. Your Council not being ready, the Jury must be Adjourned, and the Tryal put off. I say this to you, because I think it is the duty of my place to discharge my Conscience, both for the King and the Prisoner. But admitting that the Law should so fall out, to be as is insisted upon, that he is incapable of being a Witness, yet I will say this to you, you may give in Evidence the Records of these Convictions of whatever sort, and they shall be read. It was said the last day, there was Sixteen; if there were Six hundred, they should be all read, and they will go all to invalidate his Credit, and ought to have that influence upon all the Juries that such persons come before.

*E. Cast.* I do bring here Sixteen Records of his infamous practices.

*Mr. Att. G.* We do allow that we have yet heard of but Six.

*L. C. J.* Now, my Lord, if you think it worth the while to put your Council to argue this point, whether he be to be a Witness or no; or whether you think it may be as well, supposing he be admitted, that by producing the Records you invalidate his Credit.

*Mr. Darnel.* My Lord, I humbly conceive, by the Law that point may be saved to us.

*L. C. J.*

*L.C.J.* Mind what it is you would have saved; you would have him Sworn, and then have it saved whether he ought to be Sworn.

*E.Cast.* I would not have him Sworn till the point be over-ruled.

*L.C.J.* Will your Councel argue it now?

*Mr.Darnel.* I would humbly pray first the Pardon may be read; there are a great many several persons Pardoned, and whether this be a good Pardon to any one single person of all the offences therein.

Then the Pardon was read, and the words *Outlawries* and *Felonies* were in.

*Mr.Att.G.* That doth do it.

*L.C.J.* Why, *Mr.Darnel*, do you think at *Newgate* they take out a several Pardon for a joint Felony?

*Mr.Darnel.* Such I have seen; but, my Lord, I humbly conceive upon the Exception of Burning in the Hand, he is no Witness. And, my Lord, I find it hath been adjudged in 11 H.4. 41. that a Man Attainted and Pardoned, cannot be Sworn of a Jury. And the same Question hath been resolved to since, in 9 Jac. reported in *Goldsboronghs Reports*, 34. And, my Lord, in *Bulstrode's* Second part, 154, 'tis *Brown* and *Crasbers Case*. My Lord *Cooke* is reported there to be of the same opinion; and that Book goes farther, that by the same reason the Testimony of such an one as a Witness is to be refused also.

*Mr.Justice Jones.* This is *Sir Henry Finch* his Case, is it not?

*Mr.J.Dolbin.* No, that is in *Godbolts Reports*.

*Mr.Darnel.* And the reason my Lord *Cooke* gives, is this, he saith, That notwithstanding the Pardon, he is not *Probus & legalis Homo*. And 12 Jac. in *Brownlowes Reports*, fol.47. the King Pardoned a Man Attainted of giving a false Verdict; and 'tis adjudged there he shall not be a Witness; for the punishment was Pardoned, yet the Court said the Guilt remained.

*Mr.Att.G.* That is but a short Note in that Book, and there is not so much in the Book as you mention.

*Mr.Darnel.* I wrote it out of the Book word for word as I repeat it. The King may Pardon Simonie, but he cannot enable the Simonist to retain; and so is *Crooke*, 686, *Smith* and *Shelbournes Case*.

*Mr.Att.G.* The Act of Parliament exprelly makes him incapable.

*Mr.Darnel.* I think the King might sure have dispensed with that incapacity, but the Pardon could not take away the Guilt.

*Mr.Att.G.* No sure, I think he could not against the express words of the Act.

*Mr.Darnel.* He can dispense with the punishment; and those other Books are clear in it, That after the Pardon the Guilt remains: and for these Reasons and Authorities I do conceive he cannot be a Witness.

*Mr.Att.G.* I take it, it is clearly contrary to the constant general opinion, and the constant practice of the Law. For when a Man is Pardoned, I take it you may not say he is Perjured, nor he is a Felon; and he cannot be reputed so to any intent or purpose whatsoever.

*L.C.J.* I shewed you the practice of Law in that Case was consonant to Reason, for it was to prevent railing Language, which tended to the breach of the Peace; but it is another thing for him to be repelled and hindered from being a Witness.

*Mr.J.Dolbin.* I do take it when the King Pardons him, he makes him as if he had never committed the Offence.

*Mr.J.Jones.* No, not so neither, Brother.

*L.C.J.* Is not his Blood corrupted if he be Outlawed? and the Pardon cannot restore that.

*Mr.*



*Mr. J. Dolb.* As to Heirship it doth not, but it restores him to his ability to Purchase, as if he had never forfeited that capacity.

*Mr. Att. G.* And it makes him *Liber & legalis Homo*, for it hath been adjudged, that such an one may wage Battle, which he which is not *Liber & legalis Homo* cannot do. And if he be *Liber, &c.* he is certainly fit to be a good Witness. Nay, I do know in my own experience, in the point of Perjury, after Pardon he was (and I saw him) admitted as a Witness, and that was one *Burroughs* a *Yorkshire* Man.

*L.C. J.* Was it ever questioned and admitted upon debate?

*Mr. Att. G.* I cannot say that.

*L.C. J.* And I have known it stood upon, and such an one rejected.

*Mr. J. Dolb.* I have always taken it even in the case of Perjury, that after a Pardon he is a lawful Witness; his Credit is indeed left to be what it will be to the Jury, and the constant course as to Felony is so. How many persons are there every Sessions at *Newgate*, Convicted upon the Testimony of persons concerned in the same Offence, and Pardoned?

*L.C. J.* Was it ever opposed?

*Mr. Recorder.* I cannot adventure to say the Question was made, but the Judges knew them to be so concerned.

*L.C. J.* Will they take notice without the Question put?

*Mr. Recorder.* I think they are bound if the Law be so, not to let persons lose their Lives upon such Testimony.

*L.C. J.* We cannot tell whether it be so or no, unless we have it stirred.

*Mr. Record.* I know particularly at the last Sessions, *Withringtons* Case who was Pardoned, and after by his Testimony divers others were Convicted.

*L.C. J.* Was the Record of his Conviction shewn?

*Mr. Record.* They did all know it very well.

*L.C. J.* Was it a Felony for stealing?

*Mr. Record.* My Lord, it was for Robbery on the High-way: if it were in a Case between Party and Party, except there had been Record of it made out in proof, it had been no objection to his Testimony. But in the Case of Felony, where the Life of the party is concerned, the Law saith, the Court are of Council for the Prisoner; and if the Court doth know in fact, (as this was notoriously known) that the Witnesses are Convicted of Felony, and in Law that a Pardon will not make them Witnesses, they are obliged to urge it and make it known; therefore their practice, and their not taking notice, seems an Authority, that they ought to be allowed as Witnesses, though it is true, their Credit is left to the Jury.

*L.C. J.* What think you if a man hath his Ears cut off in the Pillory, and after a general Pardon comes, which doth pardon those Offences for which he underwent that punishment, do you think he is a good Witness?

*Mr. Att. G.* I do think he is a lawful Witness.

*L.C. J.* Doth the stigmatizing signifie nothing?

*Mr. Att. G.* But by the Pardon he is restored to be *Liber Homo*, a Freeman in his own Person to all intents and purposes.

*Mr. Darnel.* That Book 11 H. 4. hath expressly resolved, that he shall not be a Juror; and the reason is, because he is not *Probus & legalis homo*, and I cannot see why the same reason should not exclude him from being a Witness.

*Mr. Att. G.* There is a great deal of reason for it; for in many Cases Men can be Witnesses that cannot be of Jury.

*L.C. J.* It is very true, there are many such Cases; but shew me one, where

where a Man that is excluded from being a Jury-man is to be admitted as a Witness.

*Mr. Att.G.* The Brother or other Relation of the party.

*L.C.J.* But shew me one put by for infamy as a Juror, yet admitted as a Witness.

*Mr. Record.* A Juror is to judge what a Witness saith, therefore a clearer reputation is required for him that is to be a Judge, than him that is to give Evidence; and he that is to be a Judge of anothers Credit, should stand fair in his own; so that all will depend on that, the Credit is to be left to the Jury.

*Mr. Att.G.* And, my Lord, as to disreputation, a Villain was never admitted to be a Juror, and yet never denied as a Witness, and that for infamy.

*L.C.J.* What infamy is it?

*Mr. Att.G.* It was base.

*L.C.J.* But it was not wicked, he might be honest though in servitude.

*Mr. Att.G.* He could not be of a *Tales*, where none almost are excluded.

*L.C.J.* That was, because he was not *Talis* as other Men are.

*Mr. Att.G.* No, it was because he was not *Liber homo*, but the Pardon here makes the party *Liber & legalis homo*, and so restores him to a capacity of all purposes.

*Mr. Sol.G.* But my Lord Hubbard doth expressly say in *Searlyes Case*, taking notice that upon the Conviction there is *Pena & reatus*, the Pardon coming after doth take away both.

*L.C.J.* That is my Lord Hobarts opinion; and it is true, the very *reatus* is taken away, so as never to be remembred again in order to punishment; but doth it set a man right as to Reputation, as if he had never offended? it cannot be so in reason, if twenty men come and tell me so.

*Mr. J. Dolb.* Certainly he is guilty still in strictness of Conception, but the Law saith, he is not guilty, and the Law will admit such a Man to be a Witness; but still such an one will be a bad one in our thoughts, for all the Pardon.

*L.C.J.* Brother, I agree with you in that; and if I were in my Lord *Castlemains* case, I would admit him, and not labour farther to dispute the Law; but when he has given his Testimony, he shall have all these Records proved against him to invalidate what they can.

To which the Earl of *Castlemaine* seemed to consent, and acquiesce in the opinion.

*Mr. J. Jones.* I do confess my Lord *Hales* in his little Book of *Pleas of the Crown*, doth say, that after a Man hath his Clergy, he hath his Credit.

*L.C.J.* He doth so indeed, Brother.

*Mr. J. Dolb.* And the Case that Mr. Attorney puts of waging Battle, is as plain a Case as can be, for none can wage Battle, but he that is *Liber & legalis homo*: for it might have been objected you broke Prison, therefore you are not *Liber, &c.* and cannot wage Battle; but if it were answered the King has Pardoned it, he would be restored to be *Liber, &c.* which is the same Case in reason with this.

*Mr. Sol.G.* That is a restitution to a Capacity between party and party, and not as to the taking off the punishment onely and a discharge from the King.

*Mr. J. Dolb.* It were well it were once settled, for we have it often in our Circuits.

*J. Jones.* But the matter is at an end now, my L. of *Castlemain* consents.

*Mr. Recorder.* But, my Lord, it will be a thing of great consequence to

have it ruled ; and it much concerns me, in respect of my place, to be at some certainty about it ; for there is never a Sessions in the *Old-Bailey*, but something of this nature will occur. No Robbery can almost be discovered, but we must make use of such as have been Accomplices ; the King pardons, that he may have Evidence against others.

*L.C.J.* But that is before Conviction.

*Mr.Record.* After Conviction, my Lord.

*Mr.Darnel.* My Lord, in my Lord Chief Justice *Hides* time, in such a case, it was adjudged he should be no Witness.

*Mr.Att.G.* Where is that Reported ?

*Mr.Darnel.* I have such a Note, but I cannot tell the Cases name.

*Mr.Att.G.* You tell us of a Case without any thing to warrant its Authority, and that no body ever heard of but your self.

We desire *Mr.Dangerfield* may be Sworn; and truly if your Lordship please, I have another thing to urge.

*L.C.J.* Have you any other Witnesses to examine ?

*Mr.Att.G.* None but what are to corroborate his Testimony. But in the common Case of an Approver, he confesseth his own guilt, and yet is a good Witness against the Approver.

*L.C.J.* But there is no Conviction.

*Mr.Att.G.* Yes, his own Confession.

*L.C.J.* But how far is he a Witness ?

*Mr.Att.G.* His Confession shall be Recorded, and if he doth not Convict those he approves, he shall die; and so he Swears to save himself, yet a good Witness.

*L.C.J.* The Law thought it convenient to discover Felonies, and such great Offences; which were hard to be done, but by some that were Parties to the Offence, and so would encourage them that would discover to Convict the rest; but here comes a person that is Convicted, and infamous by another Crime, and would by his Evidence take away the Life of another not accused for that Crime for which he was Pardoned, but another. And that word *reatus* in my Lord *Hobard* is capable of an Interpretation another way; and a Man may have his guilt taken away as to some purposes, but not to other.

*Mr.Att.G.* But the Book saith, it takes away all disabilities too.

*L.C.J.* I think there is a difference between a Pardon before Conviction and after.

*Mr.Soll.G.* But in *Mr.Attorneys* first Case, even before Conviction, there was a legal disability upon his breaking of Prison, by reason of which, he could not wage Battle till Pardoned.

*L.C.J.* It is a disability upon a Presumption, not upon Conviction: for the Law presumes a man that is innocent will abide his Tryal; but if he break Prison and fly from Justice, it argues guilt; but in a man that is Convicted, the guilt is plain.

*Mr.Soll.G.* But, my Lord, the presumption runs as high to the disability in the one case, as the Conviction in the other; if then the Pardon can take away one disability *e pari*, it may the other also.

*Mr.Att.G.* Nay, if you please to look into my Lord *Hobard*, you will find he saith, that the very acceptance of a Pardon implies a guilt.

*L.C.J.* No, pray *Mr.Attorney*, I do not agree in that, I would not have it concluded, that every great Man in *England* that hath a Pardon, is guilty of the Offences thereby pardoned.

*Mr.J.Jones.* My Lord, I take it there is a difference between a Special Pardon



Pardon and a general Pardon : for by taking a particular special Pardon, there cannot but be intended a consciousness of guilt ; but if a person be included in a general Pardon , there is no consideration of any particular Offence, and the laying hold of that, implies not a guilt, for all have it, unless those particularly excepted, and we cannot suppose every one guilty.

*L.C.J.* Truly I think the acceptance of a special Pardon doth not at all in itself, without Confession or Conviction, imply a Man to be guilty of the Crime pardoned. For you know my Lord *Cook* says, No wise Man will refuse Gods pardon and the Kings at any time, though we are conscious of no actual Crime to need it. And besides, in these times, when no Man knows when he is safe from the Perjuries that do so much abound , it may be prudence, without a confession or implication of guilt, to get a Pardon, which we need not, but only as a shelter against a false accusation.

Then Mr. Justice *Raymund* went down to the Common-pleas.

*Mr. J. Jones.* Because we will not go either against Reason or Law, or constant practice, my Brother *Raymund* is gone down to ask the Opinions of the Judges of the Common-pleas.

*Mr. Record.* My Lord *Hales* doth in his little Book say, it restores him to his Credit.

*Mr. Att.G.* If it hath restored him to his Credit, I hope they shall not blemish him so much, as to make the Jury not believe him.

*L.C.J.* Ay, but I assure you it shall have its due weight according to the Crimes charged upon him ; all the Records shall be read, and all that can be observed from them shall.

*Mr. Att.G.* We do not desire but all that ought to be observed should so be.

*L.C.J.* Do you think we sit here to have Men loaden with all the guilt of most infamous villanies in the world come here, by their Evidence take away Mens Lives, and their qualifications not observed ?

*Mr. J. Dolbin.* My Brother will come up presently , and we shall hear what they say to it.

*L.C.J.* We have men grown so insolent now adayes, that upon what account, or what sort of confidence to term it I know not, run all whole Societies of Men, and persons of all Qualities , as if there were any thing in their confidence that could render them better , than their own villanous Actions proclaim them to be. Humility becomes Penitents, and no wicked impudent man can be thought to repent ; but these Mens Behaviours hath nothing of an appearance of Repentance, but with sauciness think to make all fly before them, and that their boldness in accusing, shall without more ado justify the truth of their Accusation : but God knows, they discover what they are by their insolent carriage.

Then Mr. Justice *Raymund* returned and delivered the Opinions of the other Judges to my Lord and the other two Judges privately.

*L.C.J.* Look you, I will tell you what my Brother reports their Opinions in the Common-pleas to be : He says, he put the Question to them in both cases, That he is Outlawed for Felony and pardoned, and Burnt in the Hand for Felony and pardoned. They say they are of Opinion, That the general Pardon would not restore him to be a Witness, even as to the Outlawry of Felony , because of the Interest the Kings Subjects have in him , and his Testimony could not be received upon the general Pardon. But they say this further, That where a Man comes to be burnt in the Hand for a Felony, they look upon that as a kind of a more general discharge than the Pardon alone would amount to, if he had not been Burnt in the Hand : If he had been Convicted and not Burnt, a general Pardon would not have made

made him a good Witness; but by that and the Pardon, they think he is made a Legal Witness.

*Mr. Darnel.* Notwithstanding the Outlawry?

*L.C.J.* That is answered otherwise.

*Mr. Att. G.* It is discharged; come pray Swear him, (which was done.) Are you Sworn, Sir?

*Mr. Dangerfield.* Yes, Sir.

*Mr. Att. G.* Come Sir, then now tell what you know of my *L. Castlemain*.

*L.C.J.* But I conceive by their Opinions in the *Common-pleas*, that they think a Pardon after Conviction of Perjury would not restore him to be a Witness, because of the interest the Subject hath in his Testimony.

Then I proceeded to deliver my Evidence, which was to this Effect.

That about the Month of *June*, 1679, the Lady *Powis* sent me with a Letter to the Earl of *Castlemain*, that being the first time I had ever been to wait on his Lordship; to which Letter I received another in Answer, and delivered it to the Lady *Powis*, who read it to me as follows,

*This person I like well, and though he be no Scholar, yet he may serve to instruct the Youths as he shall be directed, by which I shall be eased of much trouble and suspicion.*

By those Youths was meant the *St. Omers* Witnesses, for his Lordship was their Tutor.

His Lordship was one of those that employed me to fetch *Knox* and *Lane* out of Prison.

Some time after that, I went to wait on his Lordship with some Letters and Lists of Names, that came from *Nevel*, and upon the perusal thereof, his Lordship ordered me to employ divers persons to write Copies from them; saying, it was a business of consequence, and must not be delayed. Then I informed him, that persons were at that very time, a writing at *Powis-house*; then his Lordship replied, let them go on and be encouraged, and I will pay my part, which his Lordship did; for some time after, I sent *William Woodman*, then Servant to Mrs *Cellier*, with a Letter to his Lordship, who in answer thereto sent Forty shillings for his part of the Writing.

Now those Letters, and those which I put into Colonel *Mansels* Chamber, were all agreeable in matter of fact, and tended onely in concurrency to the *Sham-Plot*.

His Lordship wrote the *Compendium*, and I read one part of it as it lay before him at the same time.

His Lordship perused the Papers of *Knox* and *Lane*, who intended to accuse Dr. *Oates* with *Sodomy*; and his Lordship was also privy, and gave consent to the drawing up, and Swearing to the false Affidavits which *Lane* made before Sir *James Butler*.

The next day after I had been Treated with by the Lords in the *Tower to kill the King*, I went to wait on the Lord *Castlemain*, who having sent his Servant out of the Room, demanded of me, why I was so unwilling to do that, for which I was taken out of Prison. I desired to know what that was? Why, says his Lordship, were you not yesterday at the *Tower*? I answered, yes, I was; and then said, would your Lordship have me *kill the King*, for that's if you mean, I suppose? Then his Lordship said, that was the business he meant and then he storm'd, and was so furious, that I cared not to stay any longer.

That his Lordship was privy to my part of the *Sham-Plot*, and used in his discourse to call the King Tyrant.

This was the true Substance of my Evidence, which being backt with *William Woodman's*, the Court proceeded, &c.

F I N I S.